



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**WHAT IS THE PROBLEM TO WHICH THE ANSWER  
WAS PUBLIC LAW 83-280: HOW IS IT WORKING OUT  
AND WHAT SHOULD WE DO NEXT?**

by

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September 2013

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**WHAT IS THE PROBLEM TO WHICH THE ANSWER WAS PUBLIC LAW  
83-280: HOW IS IT WORKING OUT AND WHAT SHOULD WE DO NEXT?**

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Submitted in partial fulfillment of the  
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## **ABSTRACT**

This thesis explores the stakeholders' positions in relation to the implementation of Public Law 83-280 (PL 280). PL 280 mandated that states assume jurisdiction on reservation land. The thesis investigates how the uniqueness of this law has caused multi-dimensional problems including; collaborations/partnerships, familiarity with the law, compliance with the law, law enforcement effectiveness and/or impacts, cultural competence, and training/education. The main claim for this thesis is that PL 280 was written as an unfunded mandate without the consent or input from the Tribes and was enacted without clear guidance for implementation. The thesis investigates whether creation of a best practice model would create a collaborative relationship among Tribes and public safety agencies, communication among multiple disciplines, unified leadership and command on an incident, and improvement for all public safety planning. The research identifies what the existing relationships are, what is lacking at an operational level, what training is available, what the challenges have been, and what the next steps should be in order to improve the process of this law.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

AG	Attorney General
CBMI	Cabazon Band of Mission Indians
CFEO	Chief Financial and Executive Officer
EMS	Emergency Medical Service
IPD	Indio Police Department
LE	Law Enforcement
LEO	Law Enforcement Office
MAA	Mutual Aid Agreement
MOU	Memorandum of Understanding
NIMS	National Incident Management System
OES	California Governor's Office of Emergency Services
PD	Police Department
PL 280	Public Law 83-280
POST	Peace Officer Standards and Training
RSO	Riverside Sheriff Office
SOP	Standard Operating Procedures
TLOA	Tribal Law and Order Act
TLU	Tribal Liaison Unit

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## EXECUTIVE SUMMARY

Since the enactment of Public Law 83-280 in 1953 and its consent and retrocession amendments in 1968, there have been minimal attempts by Congress to review the success (or lack thereof) of this law. PL 280 was written and enacted as an unfunded mandate to the states and to the tribes during the assimilation and termination era and was questioned by President Eisenhower as it was being signed into law, yet the tribal community continues to struggle with measuring the impacts this law has had on the reservations. *The Public Law 280 and Law Enforcement in Indian Country - Research Priorities* document written in 2005 by Carole Goldberg-Ambrose found that there was still much-needed research in three areas:

Measurable aspects of the quality of State law enforcement under PL 280, such as police response times to crime reports from reservations.

Documentation of federal funding and services to tribes in PL 280 jurisdictions, including such factors as jurisdictional vacuums.

Concurrent tribal jurisdiction and enhancement of State/tribal relationships through cooperative agreements.<sup>1</sup>

The report also highlighted that there is a lack of statistical research to identify the impacts the law has had, the effectiveness of law enforcement, cooperation with the tribes at the state level, and if there is an impact on crime rates.

This thesis outlines the historical period in which the law was written, explores how the law is working at the ground level and considers the stakeholders' opinions as they relate to the implementation of Public Law 83-280 by analyzing a survey conducted in two counties in Southern California. The two counties, San Diego County and Riverside County, are home to a large number of tribes, 12 in Riverside County and 18 in San Diego County. The survey, conducted by OES Intergovernmental Tribal Affairs Office in May 2013, investigated multi-dimensional problems such as:

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<sup>1</sup> Carole Goldberg, and Heather Singleton, "Research Priorities: Law Enforcement In Public Law 280 States," July 2005, [https://docs.google.com/viewer?a=v&q=cache:\\_8sXCDlxAMgJ:www.ncjrs.gov/pdffiles1/nij/grants/209926.pdf+research+priorities+carole&hl=en&gl=us&pid=bl&srcid=ADGEEShDeO4ayxRDdvbNezWHmlUJSg\\_RSXD4PEm2cpQLr\\_Lo8bnU\\_6RgitzZfDvr2VdiYrw0H\\_b9zZsrUKahWgX4nepuZo\\_u2T4jXPgHR78S1swcGTEmtR0C2b044srda0-rBeVGNsLK&sig=AHIEtbT9XW1v347Q9cqaYrHIUdFfXzRCIlg](https://docs.google.com/viewer?a=v&q=cache:_8sXCDlxAMgJ:www.ncjrs.gov/pdffiles1/nij/grants/209926.pdf+research+priorities+carole&hl=en&gl=us&pid=bl&srcid=ADGEEShDeO4ayxRDdvbNezWHmlUJSg_RSXD4PEm2cpQLr_Lo8bnU_6RgitzZfDvr2VdiYrw0H_b9zZsrUKahWgX4nepuZo_u2T4jXPgHR78S1swcGTEmtR0C2b044srda0-rBeVGNsLK&sig=AHIEtbT9XW1v347Q9cqaYrHIUdFfXzRCIlg).

collaboration/partnerships, familiarity with the law, compliance with the law, law enforcement effectiveness and/or impacts, cultural competence, training/education. The survey also asked the stakeholders to identify what they believe the next steps are to improve implementation.

This thesis analyzes the OES Intergovernmental Tribal Affairs Office survey data to gain a clear picture of what problems exist with the law, in the eye of the stakeholders, what changes are needed, and what can be done to create a best practice approach for implementation of the law.

## **A. METHOD**

This thesis contains a qualitative analysis of survey data originally collected by the OES Intergovernmental Tribal Affairs Office and shared with the author. The intent of the survey was to identify challenges faced by tribal and local stakeholders, explore the prevalence of these difficulties, and provide a best practices implementation plan for improving the implementation of the law and the ability to measure the impacts to the reservations.

## **B. ANALYSIS**

Without a common understanding of the jurisdictional foundations established by Public Law 280, tribal communities experience an uneven administration of justice in terms of respect for their authority, their eligibility for state and federal funding, the effectiveness of their justice systems, and the level of participation and cooperation with state and federal justice systems. As a result, Public Law 280 actually increases lawlessness in Indian country.<sup>2</sup> Even Congress has acknowledged its failure by stating that “Public Law 280 . . . [has] resulted in a breakdown in the administration of justice to such a degree that Indians are being denied due process and equal protection of the law.”<sup>3</sup>

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<sup>2</sup> Vanessa J. Jimenez, and Soo C. Song, “Concurrent Tribal and State Jurisdiction Under Public Law 280,” *American University Law Review*, August 1998, <http://www.wcl.american.edu/journal/lawrev/47/jimenez.cfm>.

<sup>3</sup> Ibid.

After careful analysis of the survey results and the corresponding comments, several themes emerged. Respondents recognized the following needs:

#### Emerging Themes

<p><b><u>Eliminate</u></b></p> <p>Ineffective Policing</p> <p>Inconsistencies of Response</p> <p>Hierarchical Relationships</p>	<p><b><u>Raise</u></b></p> <p>Training</p> <p>Cultural Awareness</p> <p>Cooperation Levels</p> <p>Partnerships/Relationships</p>
<p><b><u>Reduce</u></b></p> <p>Preconceptions</p> <p>Misunderstandings</p> <p>Lack of Communication</p> <p>Old Values</p> <p>Lack of Knowledge</p> <p>Confusion of Law</p>	<p><b><u>Create</u></b></p> <p>Cultural Training</p> <p>Best Practice Model</p> <p>SOP</p> <p>MOU/MAA</p> <p>Community Outreach</p> <p>Mandatory Training</p> <p>Multi-Discipline Approach</p> <p>Cross Deputization</p> <p>Funding options</p>

### C. RECOMMENDATIONS

This thesis identifies three options for next steps: maintain the status quo, wait for legislative change through the Tribal Law and Order Act of 2010, or create a best practice model in one state and implement nationally long term. The author recommends creating a best practice model in California and utilizing the model to implement long term in the other PL 280 states.

#### **D. CONCLUSION**

The stakeholders would be more willing to participate in a joint effort if there was a best practice model in place with clear goals and a process in place to evaluate the effectiveness of the law. There would be a willingness to contribute to the betterment of the law if the stakeholders were considered in the process. The stakeholders want to understand how the law will be implemented, how the success will be measured, and how the results will be analyzed and packaged for the future.

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## **I. INTRODUCTION**

Historically, Indian territories were generally deemed beyond the legislative and judicial jurisdiction of the state governments...The pre-existing federal restriction on state jurisdiction over Indian country were largely eliminated, however, in 1953 with Congress' enactment of the Act of Aug. 15, 1953... which is commonly known as Pub. L. 280. Public Law 280 gave federal consent to the assumption of state civil and criminal jurisdiction over Indian country and provided the procedures by which such an assumption could be made... As originally enacted, Pub. L. 280 did not require the States to obtain the consent of affected Indian tribes before assuming jurisdiction over them, but Title IV of the Civil Rights Act of 1968 amended Pub. L. 280 to require that all subsequent assertions of jurisdiction be preceded by tribal consent.

*Three Affiliated Tribes vs. Wold Engineering, 476 US 877, 879 (1986)*

### **A. RESEARCH QUESTION**

Public Law 83-280, also known as Public Law 280 or PL 280, was enacted by Congress in 1953. but there has been little research done to measure success of the law at the ground level. This research project was therefore designed to answer the question of how the law is working in California and can it be implemented differently to improve performance and relationships? The sub-questions in the California Governor's Office of Emergency Services (OES) Intergovernmental Tribal Affairs Office survey answer what the stakeholders know, what they do not know, what the experiences have been, how well the stakeholders understand the law, and how accurately it is being implemented. The analysis identifies what we should do now, whether specific views and beliefs need to be eliminated, if there is a need for increased awareness and education on the implementation of the law, and if there is a need for creation of a best practice model.

### **B. PROBLEM SPACE**

#### **1. Definitions**

Indian Country" is defined at 18 U.S.C. 1151 as follows: . . . (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including the rights-of-way through the reservation, (b) all dependent

Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the titles to which have not been extinguished, including rights-of-way running through the same.<sup>1</sup>

Public Law 280 (Pub.L. 83-280, August 15, 1953, codified as 18 U.S.C. § 1162, 28 U.S.C. § 1360, and 25 U.S.C. §§ 1321–1326, ) is a federal law of the United States establishing “a method whereby States may assume jurisdiction over reservation Indians.”<sup>2</sup>

## **2. Background**

Tribal Government may fall under federal or state jurisdiction simply depending on what state the reservation is in. In some states, reservations are subject to PL 280, while in other states or even within a given state, they are not. Public Law 83-280, most commonly referred to as PL 280, is a federal statute that was enacted by Congress in 1953. PL 280 “was a transfer of legal authority (jurisdiction) from the federal government to state governments which significantly changed the division of legal authority among tribal, federal, and state governments.”<sup>3</sup> The law was only applicable to six states known as the mandatory states: California, Minnesota (except the Red Lake Reservation), Nebraska, Oregon (except the Warm Springs Reservation), and Wisconsin; and Alaska (except Metlakatla criminal jurisdiction). Several states opted into PL 280 before it was changed in 1968 to require tribal consent. Other states were later given the option to adopt PL 280 but no other Tribe has given its consent. The transfer of legal authority gave extensive criminal and civil jurisdiction over the Reservations in the mandatory states. In 1968, an amendment to PL 280<sup>4</sup> contained a retrocession provision that allowed

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<sup>1</sup> 18 U.S.C. 1151 defines “Indian Country” as “(a) all Indian lands within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights -of-way running through the reservation, (b) all dependent Indian communities with the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c ) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

<sup>2</sup> Public Law 280 is codified as amended at 18 U.S.C. 1162, 25 U.S.C. 1321–1326, 28 U.S.C. 1360.

<sup>3</sup> “Public Law 280 Resources,” n.d., <http://www.tribal-institute.org/lists/pl280.htm>.

<sup>4</sup> Act of April 11, 1968, Public Law 90–284, § 403, 82 Stat. 79 (codified at 25 U.S.C. 1323).

a state that had previously assumed jurisdiction over Indians under the law to return all or some of its jurisdiction to the federal government. With this retrocession came one contingency; that they had to obtain approval from the U.S. Department of the Interior. The authority to initiate the retrocession has been the subject of litigation. It is most often controlled by state law, at least until the Secretary of the Interior accepts the retrocession. Since the 1968 amendment, tribes must consent to the state-assuming jurisdiction over the Reservation in order for PL 280 to be enacted.

The six mandatory states are: California, Minnesota (except the Red Lake Reservation), Nebraska, Oregon (except the Warm Springs Reservation), Wisconsin; and Alaska (except Metlakatla criminal jurisdiction). The exception reservations were able to demonstrate that they had successful law enforcement in place. As a result of the retrocession, a few mandatory states were able to get their own jurisdiction back. Wisconsin retroceded jurisdiction over the Menominee Reservation in connection with the Menominee Restoration Act (Public Law 93-197), Nebraska retroceded jurisdiction over the Winnebago, Santee Sioux, and Omaha Reservations, Minnesota retroceded jurisdiction over Bois Forte [Nett Lake] Reservation, and Oregon partially retroceded jurisdiction over the Umatilla Reservation.<sup>5</sup>

PL 280 also authorized any non-mandatory states to assume civil and/or criminal jurisdiction over Indian Country. Prior to 1968, the non-mandatory states had the option of taking jurisdiction without consent from the Tribe. To date there are five optional states; Florida (2 tribes, all PL 280), Idaho, (4 tribes, all PL 280 partial to specific criteria), Montana (7 tribes, 6 non PL 280, 1 tribe retroceded partial), Nevada (19 tribes, all non PL 280 or retroceded), and Washington (29 tribes, 4 PL 280, 18 PL 280 partial, 7 retroceded partial).<sup>6</sup> The optional states fall into two categories: states without constitutional disclaimers and states with disclaimers in their state constitution, which limits state jurisdiction.

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<sup>5</sup> Ada Pecos, and Jerry Gardner, "Public Law 280: Issues and Concerns for Victims of Crime in Indian Country," <http://www.trival-institute.org/articles/gardner1/htm>.

<sup>6</sup> Duane Champagne, and Carole Goldberg, 201, *Captured Justice: Native Nations and Public Law 280*, <http://www.amazon.com/Captured-Justice-Native-Nations-Public/dp/1611630436>.

### **3. Policy Problem**

PL 280 and the muddle it brings is a multi-dimensional problem. The law was enacted during the assimilation and termination era, was done so without the consent of the tribes, and the outcome has mixed criticisms. This is a policy problem that needs a working solution and one that benefits all parties involved. Changing the law is not a quick feasible solution, since doing so takes legislative changes and consultation with the tribes. Legislative changes are currently under consideration through the Indian Law and Order Commission, established under the Tribal Law and Order Act of 2010. For now, a working document or model for how to implement the policy would be beneficial. Based on history in the author's region, it is apparent that there is a lack of consistency in implementation of PL 280. This is a difficult idea to wrap a policy around; each Tribe is truly unique and needs to be dealt with as such, but the consistency needs to be formulated in training, partnerships, agreements, and education. Something that is "normal procedure" in one state or region, should be consistent with the "normal procedure" in another region. Creating a best practice or a model for other PL 280 states to follow is much needed in order for implementation to be consistent. The law was created but aside from that, there has not been any direction for implementation. California has 110 federally-recognized tribes<sup>7</sup> and is a good example to use. To put this in perspective, the state is home to the largest population of American Indians (650,000). This population is composed of 65,000 tribal members from California's 110 federally-recognized Tribes; the vast remainder comes from every tribe in the U.S. Some counties in California have no California tribes, but have substantial populations of tribal members.<sup>8</sup> For the counties that do not have reservations within their jurisdiction, education on the law would be beneficial but not necessary. A tribes criminal jurisdiction extends to non-member Indians, if the commit crimes within Indian Country.

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<sup>7</sup> "Federally-recognized Tribes," National Conference of State Legislatures, <http://www.ncsl.org/issues-research/tribal/list-of-federal-and-state-recognized-tribes.aspx>.

<sup>8</sup> ITCC, Inter Tribal Council of California, "Mental Health Directory: Tip Sheet," 2012, [http://www.itccinc.org/mentalhealth\\_tip.asp](http://www.itccinc.org/mentalhealth_tip.asp).

In Riverside County a Tribal Liaison Unit (TLU) was formed around 2008. The sheriff had a vision of improving the relationship between the 12 Tribes in Riverside County<sup>9</sup> and his agency. Since the inception of the team, training programs have been put together on the concept of PL 280 and how it affects enforcement on Tribal land. For over a year, the team set out to conduct a block of instruction on PL 280 and to explain Tribal land sovereignty. A training program was created for members of the tribal community. There is also an added curriculum on Tribal community relations in the police academy and another 8-hour block on community relations. The Tribal officers are not crossed-deputized, but this has to do with a Peace Officer Standard and Training certification. Because of PL 280, the local law enforcement agency is responsible to enforce the criminal prohibitory statutes only on the reservation. It is important to note that Tribes do have concurrent jurisdiction over Indians (and some non-Indians under VAWA), but they have not implemented criminal jurisdiction through their laws. The TLU works regularly with the casino security and Tribal Rangers within the Tribes located in Riverside County. The TLU is working on providing the casino's security and the Tribal Rangers with more training tactics, report writing, etc. The County works under a Sheriff that mandates open communication and provides training for both law enforcement and members of the Tribal community to assist in building better relationships. Not far down the road in neighboring San Diego County the relationships are much different. Depending on whom one asks the characterization of the relationship ranges from non-existent, with refusal to respond to incidents on the Reservation, to a great working relationship. The San Diego Tribes have requested that the Liaison unit in Riverside County work with the San Diego Sheriff's department and the Tribes to advise on the creation of a TLU. To date a unit has not been created in San Diego and the tribal security and/or public safety staff are not working together for training. There appears to be minimal cooperation from both sides. This illustrates the differences in how this policy is working from one county to another.

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<sup>9</sup> "Riverside County Tribal Alliance," The Superior Court of California, County of Riverside, n.d., <http://www.riverside.courts.ca.gov/juvenile/tribalalliance.shtml>.

#### **4. Purpose of Investigating**

PL 280 was enacted without the consent of the Indians affected and some argued this to be a problem from the perspective of political morality and legitimacy. In order to address this, PL 280 was later amended in 1968, requiring consent of the Tribe prior to implementation. However, this amendment only affected the tribes not already under state jurisdiction. The tribes already under state jurisdiction did not have an option. The same discussion and debate that occurred years ago still takes place today; there are consistent themes evident among tribal officials:

- Infringement of tribal sovereignty;
- Failure of state law enforcement to respond to Indian country crimes or to respond in a timely fashion;
- Failure of federal officials to support concurrent tribal law enforcement authority;
- A consequent absence of effective law enforcement altogether, leading to misbehavior and self-help remedies that jeopardize public safety.<sup>10</sup>

PL 280 did not abolish tribal justice system jurisdiction, nor did it diminish the federal government's overall trust responsibility to tribes. This statute is often misunderstood and misapplied by both federal and state governments, which in turn causes it to be controversial. PL 280 impacts who responds to the reservations for emergencies and ultimately impacts who addresses homeland security issues. What is unknown is the extent to which it is taught, understood, implemented, and with what consequences for all involved. This thesis seeks to improve our knowledge of the impact of PL 280—at least in counties—and extrapolate policy for the relevant stakeholders.

#### **5. Proposal**

There is a lot of uncertainty regarding the effectiveness of law enforcement, the difference in cooperation with the tribes without a public safety department versus the tribes with their own public safety department, and the differences county to county. This

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<sup>10</sup> Duane Champagne, and Carole Goldberg, *Captured Justice: Native Nations and Public Law 280*, 2012.

is where the problem begins. If the policy is not being implemented with consistent interpretation or best practices in mind, how do we fix what isn't working?

The law was not written in the best interest of the reservations, but changing the law takes legislative action. There are three obvious options—work within the law to find common ground and actionable items, rewrite the law, or go back to federal jurisdiction. Rewriting the law is not going to occur overnight and, depending on Congress, may never occur. Removing the mandate completely may work for some tribes but for the vast majority would not be beneficial; the majority of tribes do not have their own public safety departments or tribal courts, and waiting for “the feds” to respond to a stabbing incident is not feasible. For most there are two options: retrocede or work within the law and identify best practices that will benefit all parties involved.

The goal of this thesis is to analyze variations in opinions, knowledge, and implementation practices of those in two counties, Riverside County and San Diego County, based on a survey sent to the agencies by OES Intergovernmental Tribal Affairs Office. The survey addressed seven criteria: collaborations/partnerships, familiarity/knowledge, compliance with the law, law enforcement effectiveness/impacts, cultural competency, training/education, and next steps for success. The goal of analyzing those data was to identify ways to improve the policy with consistent interpretation of the law and best practices. The ultimate goal was a solution to work within the existing law, whether it is creating a PL 280 mandatory training program, establishing TLUs throughout the state, or something else that has not been identified yet.

The survey instrument allowed analysis of pre-collected data acquired through a survey instrument and coded for emerging themes and correspondence with hypothesis and assumptions. The primary limitation of this analysis is a small sample area limited to two counties within one of the six mandatory states. The two counties that have been studied also have some very successful gaming tribes. The results may not apply as well to PL 280 tribes and counties where economic success has not occurred for the tribes. Ideally someone should survey all mandatory and optional states to analyze each one of these issues.

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## **II. LITERATURE REVIEW**

### **A. OVERVIEW**

This literature review will explain what the law means, whom it affects, what we know, what we do not know, and what we should know, based on research already conducted on PL 280.

Each document, whether it be a journal article or book written on PL 280, focuses on the legal aspects and the atmosphere in which it was written and implemented. The literature lays out basic facts such as what the mandatory states are, optional states, and retrocession affected; the times in which it was enacted, and reviews some of the problems identified thus far.

### **B. ASSIMILATION AND TERMINATION**

PL 280 was enacted during a time of assimilation, forcing Native Americans from their culture to European American culture and termination, the end of the relationship between the Tribes and the government. The enactment came at the height of the post-World War II assimilations period, which included the adoption of House Concurrent Resolution 108. This resolution established tribal termination as the official federal policy and singled out specific Indian Nations for termination, and the implementation of the Bureau of Indian Affairs “relocation” program to encourage Indians to leave the reservations and seek employment in various metropolitan centers.<sup>11</sup> Indians would be forced to assimilate to white society and, more important, become good citizens of the United States. That could not happen if the government allowed Natives to retain their lands, their culture and their sovereignty. Termination in this sense meant diminishing the history, livelihood, culture, and their identity or sense of self. Previously, the federal courts held that Congress could authorize states to exercise jurisdiction in Indian country, however PL 280 allowed every state to assume jurisdiction at their own option and at any

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<sup>11</sup> These termination and relocation policies were implemented by Bureau of Indian Affairs Commissioner Dillon S. Myer, who had overseen the internment of Japanese-Americans during World War II.

time. The Senate Report of the bill indicates that there was lawlessness on the Reservation, and that the accompanying threat to the Anglos living nearby was the concern of Congress when the law was passed originally.<sup>12</sup> Instead of improving Tribal justice systems, Congress elected to drastically shift jurisdictional power to the States. There are three books that have been written specifically on PL 280: *Planting Tail Feathers*, *Captured Justice*, and *A User Friendly Public Law 83-280 Resource Guide*.

*Planting Tail Feathers*; written in 1997 and authored by Carole Goldberg-Ambrose, one of few with the assistance of Timothy Carr Seward. It covers the history and limitations of the law itself. *Captured Justice* was written in 2012 with Duane Champagne, and takes a deeper look at specific cases and what has occurred on reservations along with present day concerns about community safety in Indian Country. *A User Friendly Public Law 83-280 Resource Guide*, written in 2012, and co-authored by Cindy Pierce and Alex Tortes, covers the history of the law, as well as the limitations of the law. Although *Planting Tail Feathers* and *A User Friendly Public Law 83-280 Resource Guide* cover similar topics, their target populations differ. *Planting Tail Feathers* was written for scholars and lawyers and *A User Friendly Public Law 83-280 Resource Guide* was written for the layperson to be a daily resource rather than a research tool.

Through the years, the U.S. government has made specific commitments to the Indian people. Those commitments did not come free; the tribes have given up large areas of land and accepted life on reservations. In exchange, the government agreed to provide community services, including public safety services which would presumably allow Indian communities to have a standard of living comparable to other Americans. President Nixon stated, “This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any

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12 S.REP. No. 699, 83d Cong., 1st session, 5 (1953).

other American.”<sup>13</sup> The relationship that the government has built with the Indian tribes has been defined by responsibilities, but how the responsibility is fulfilled is open to interpretation. There is not a clear definition or guideline for how things are done.

During the era of Indian Reorganization<sup>14</sup>, a small Indian tribe in Southern California sent a document to the Commissioner of Indian Affairs. The document detailed a “businesslike and workable program or plan for the handling of their tribal affairs.”<sup>15</sup> The document has specific words linked to tribal sovereignty; “It is contrary to all tribal history and tradition that Indians should be separated among themselves. What strength they have mustered in the past has come from unity of thought and effort. We wish to request a continuation to our Tribe of that *fundamental right of self-management* ...”<sup>16</sup>

## **C EVOLUTION OF JURISDICTION**

PL 280 is one of many pieces of the complex legal framework in Indian country. Since there are multiple stakeholders involved, and complicated jurisdictional lines to follow, it can be difficult to understand how we got here. One U.S. court called the existing statutory framework for Indian country jurisdiction “tangled.”<sup>17</sup> Another US court stated that it’s a “complex patchwork of federal, state, and tribal law.”<sup>18</sup> The literature provides a detailed account in chronological order and identifies what we already know and what we need to know.

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13 President Nixon, “Special Message on Indian Affairs,” July 8, 1970.

14 The Indian reorganization Act of June 18, 1934, was designed to restore self-government and self-management to the Indian tribal communities. It also prevented further depletion of reservation resources.

15 Agua Caliente Band of Cahuilla Indians, document received in Washington, D.C., by Commissioner of Indian Affairs, John Collier, on May 4, 1939; Approved by the Secretary of the Interior on June 2, 1939; Approved by the Band on June 22, 1939.

16 Ibid.

17 United States vs. Markiewicz, 978 F.2d 786, 50 (2nd Cir.1992), “We must first explore the admittedly tangled statutory framework that governs the application of federal criminal laws to offenses committed on Indian territory.”

18 Duro vs. Reina, 495 U.S. 676, footnote 1 (1990) “Jurisdiction in Indian Country is governed by a complex patchwork of federal, state, and tribal law.”

## D. FINDINGS AND CLAIMS

In *Planting Tail Feathers*, Goldberg-Ambrose confirms that PL 280 was enacted to create an improved justice system in Indian country and add an increased role for state criminal justice systems<sup>19</sup>. In essence, there was a virtual elimination of the special federal criminal justice role. The User Friendly Guide has a chapter on this history and the enactment but focuses more on what the limitations of the law are and how to use it for everyone's benefit. The book discusses community policing and how utilizing PL 280 will benefit all parties involved<sup>20</sup>. The University of California Irvine (UCI) Native American Studies program posted a frequently asked question of why some oppose PL 280, the answers identify that the enactment of the law was a response to the growing fervor surrounding assimilation due to the nascent Cold War<sup>21</sup>. It goes on to state that it was purely an economic move on the part of the federal government and that involvement in Indian affairs was a financial burden the federal government did not want to bear. Therefore, the federal government passed the financial burden to the states.<sup>22</sup>

In a study done by Carole Goldberg and Duane Champagne, residents in PL 280 jurisdictions with cooperative agreements were asked what the problems were with the agreements. The answers ranged from misunderstandings, lack of communication, inconsistent administration, political swings, and passing the buck from one department to the other. Other problems that were identified included: lack of resources, lack of respect for the sovereignty of the tribe, and lack of clarity about jurisdiction. One quarter of residents found no problems at all. When the same question was posed to the law enforcement responders 47 percent found no problems with the agreements at all. <sup>23</sup>

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<sup>19</sup> Carole Goldberg-Ambrose, *Planting Tail Feathers: Tribal Survival and Public Law 280* (UCLA American Indian Studies Center, 1997).

<sup>20</sup> Alex Tortes, and Cindy Pierce, *A User-friendly Public Law 83-280 Resource Guide*. Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

<sup>21</sup> "Public Law 280," n.d., <http://www.humanities.uci.edu/IDP/nativeam/pl280.html>.

<sup>22</sup> "Public Law 280 Resources," n.d., <http://www.tribal-institute.org/lists/pl280.htm>.

<sup>23</sup> Carole Goldberg, D. Champagne, and H. V. Singleton, "Final Report: Law Enforcement and Criminal Justice Under Public Law 280," U.S. Department of Justice, Washington, DC (2007), <https://www.ncjrs.gov/pdffiles1/nij/grants/222585.pdf>.

According to Timothy Droske, an attorney who studies Indian Law, PL 280 impacts 23 percent of Native Americans residing on reservations.<sup>24</sup>

## E. WHAT WE KNOW

According to Goldberg, under criminal jurisdiction, there are challenges and confusion relating to jurisdiction. The ability to determine who has criminal jurisdiction in each scenario is difficult at best—jurisdiction may lie with federal, state, or tribal agencies depending on the identity of the alleged offender, the alleged victim, and the nature and location of the offense (see Table 1).<sup>25</sup>

Table 1. Indian Country Criminal Jurisdiction (From Goldberg, 1997)

<b>Exhibit 2. Indian country criminal jurisdiction as conferred by PL 280</b>		
<b>Offender</b>	<b>Victim</b>	<b>Jurisdiction</b>
Non-Indian	Non-Indian	State jurisdiction is exclusive of Federal and tribal jurisdiction.
Non-Indian	Indian	Mandatory State has jurisdiction exclusive of Federal and tribal jurisdiction. Optional State and Federal Government have jurisdiction. There is no tribal jurisdiction.
Indian	Non-Indian	Mandatory State has jurisdiction exclusive of Federal Government but not necessarily of the tribe. Optional State has concurrent jurisdiction with the Federal courts.
Indian	Indian	Mandatory State has jurisdiction exclusive of Federal Government but not necessarily of the tribe. Optional State has concurrent jurisdiction with tribal courts for all offenses and concurrent jurisdiction with the Federal courts for those offenses listed in 18 U.S.C. 1153.
Non-Indian	Victimless	State jurisdiction is exclusive, although Federal jurisdiction may attach in an optional State if impact on individual Indian or tribal interest is clear.
Indian	Victimless	There may be concurrent State, tribal, and in an optional State, Federal jurisdiction. There is no State regulatory jurisdiction.

Source: U.S. Department of Justice, "Jurisdictional Summary," *U.S. Attorneys' Manual*, Title 9, Criminal Resource Manual 689. Retrieved October 24, 2004, from the World Wide Web: [www.usdoj.gov/usao/eousa/foia\\_reading\\_room/usam/title9/crm00689.htm](http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00689.htm).

<sup>24</sup> Timothy J. Droske, "Correcting Native American Sentencing Disparity Post-Booker" (2007), [http://works.bepress.com/timothy\\_droske/1/](http://works.bepress.com/timothy_droske/1/).

<sup>25</sup> Carole Goldberg, and Heather Singleton, "Research Priorities: Law Enforcement in Public Law 280 States," July 1998.

Goldberg-Ambrose and Seward discuss the concept of concurrent tribal jurisdiction. PL 280 does not contain any language which removes tribal jurisdiction and the U.S. Supreme Court has not ruled on this matter either; the U.S. Department of Justice, however, concluded in 2000 that “Indian tribes retain concurrent criminal jurisdiction over Indians in PL 280 States.”<sup>26</sup> The Indian Gaming Regulatory Act of 1988 suggests that federal criminal jurisdiction will supersede the state jurisdiction when it relates to gaming offenses. This was contested by the county.<sup>27</sup>

Tortes and Pierce agree that civil jurisdiction is more difficult to understand<sup>28</sup>. PL 280 authorized the application of states to adjudicate cases and to have jurisdiction of courts in civil cases, but it did not authorize jurisdiction over regulation of conduct. In simple terms, the state was authorized to assert jurisdiction over civil action matters but was not authorized jurisdiction over civil infractions.

There are a number of important limitations of PL 280 clearly identified by Goldberg, Tortes, and Pierce: trust status is not affected; PL 280 gave states criminal and civil jurisdiction but not regulatory jurisdiction<sup>29</sup> (environmental control, land use, gambling); municipal and county laws are excluded, only state laws are applicable to the reservation; and later federal laws have impacted PL 280 by reducing the amount of jurisdiction available to the states and simultaneously increased federal power/tribal sovereignty (such as the 1978 Indian Child Welfare Act and the 1988 Indian Gaming Regulatory Act).<sup>30</sup>

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<sup>26</sup> Office of Tribal Justice, U.S. Department of Justice, “Concurrent Tribal Authority under Public Law–280,” position paper, November 9, 2000, [www.tribalinstitute.org/lists/concurrent\\_tribal.htm](http://www.tribalinstitute.org/lists/concurrent_tribal.htm).

<sup>27</sup> *Sycuan Band of Mission Indians vs. Roache*, 38 F.3d 402, 407 (9th Cir. 1994), *amended* 54 F.3d 535 (1995).

<sup>28</sup> Alex Tortes, and Cindy Pierce, *A User-friendly Public Law 83–280 Resource Guide*. Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

<sup>29</sup> Carole Goldberg, and H. V. Singleton, 1998, “Research Priorities: Law Enforcement in Public Law 280 States.” <http://www.ncjrs.gov/pdffiles1/nij/grants/209926.pdf>.

<sup>30</sup> Alex Tortes, and Cindy Pierce, *A User-friendly Public Law 83–280 Resource Guide*. Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

## **F. WHAT WE DO NOT KNOW**

Although PL 280 has been in effect since 1953, there is not a lot of research available. Goldberg-Ambrose wrote a journal article on the research priorities of PL 280 in 1998 and found that there is a lack of statistical research to identify the impacts the law has had, the effectiveness of law enforcement, cooperation with the tribes at the state level, and if there is an impact on crime rates.<sup>31</sup>

She argues that PL 280 has been extremely controversial on two specific bases: Indian opposition and state dissatisfaction. Indian opposition has focused on the one-sided process that imposed a mandate of state jurisdiction on Indian country. This process did not recognize the infringement on tribal sovereignty or tribal self-determination. PL 280 lacked consultation with the tribes. This action was so controversial that even as President Eisenhower was signing it into law, he expressed dissatisfaction with it and urged an immediate amendment—which did not occur until 1968. As far as the states’ dissatisfaction, they were given an unfunded mandate to provide services to Indian country. Goldberg states, “Public Law 280 has itself become the source of lawlessness on reservations. Two different and distinct varieties of lawlessness are discernible. First, jurisdictional vacuums or gaps have been created, often precipitating the use of self-help remedies that border on or erupt into violence. Sometimes these gaps exist because no government has authority. Sometimes they arise because the governments that may have authority in theory have no institutional support or incentive for the exercise of that authority. I will call this kind of lawlessness the legal vacuum type. Second, where state law enforcement does intervene, gross abuses of authority are not uncommon. In other words, power is uncabined by the law that it is supposed to constrain it. I will call this kind of lawlessness the abuse of authority type.”<sup>32</sup>

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31 Carole Goldberg, and H. V. Singleton, 1998, “Research Priorities: Law Enforcement in Public Law 280 States,” <http://www.ncjrs.gov/pdffiles1/nij/grants/209926.pdf>.

32 Carole Goldberg-Ambrose, *Planting Tail Feathers: Tribal Survival and Public Law 280* (UCLA American Indian Studies Center, 1997), 12.

## **G. WHAT WE NEED TO KNOW**

Goldberg poses several questions in the *Public Law 83-280 Research Priorities* article: will more research and studies identify what is needed to improve this system, or will it only exacerbate the problems? Have the crime rates been impacted, and if so, how? How do we measure state law enforcement response to the reservations? When are quantitative research/studies going to be completed to determine the impacts? Is there a way to amend the law so that both sides obtain the benefit?

According to Goldberg, Tortes, and Pierce, there is little research that has been written measuring the effectiveness of the law. They further state that there are guidelines in place that create more questions than answers. Whether the research is in a book, a journal article, or a webpage, the recurring discussion focuses on how it was enacted. Captured Justice focuses on the enactment of PL 280 without the consent of the Indians affected and Goldberg and Champagne argue this to be inherently immoral. Captured Justice surveyed views about the law expressed by reservation residents and state and local law enforcement and criminal justice officials on a national sample of PL 280 reservations. What Captured Justice did not do is a comprehensive and comparative study of all tribes in two counties in a single mandatory state.

Within the homeland security sphere, there has not been literature written on the relevance or importance of PL 280. This is likely due to the fact that homeland security necessarily focuses on broad national issues and concerns and its prominence in the public safety arena has quickly evolved in response to world events. A more acute focus on PL 280 as it relates to homeland security on tribal lands has yet to be analyzed and assessed. The Tribal Law and Order Act (TLOA) of 2010 took steps towards strengthening tribal justice systems, but did not address specific issues arising out of PL 280 jurisdictions. TLOA did amend PL 280 by adding a section, 18 USC § 1162 (d), to provide opportunity to Indian tribes in mandatory PL 280 jurisdictional areas to request the federal government, to reassume its jurisdiction in their Indian country. This action by a tribe does not, however, remove any state responsibility under PL 280 and does not appear to truly deal with core issues that have created public safety gaps in PL 280 areas.



## **H. SUMMARY**

This chapter discussed the era in which PL 280 was enacted, the findings and claims existing within the literature, what we know and do not know about the topic, and what we need to know. The literature review is based on three books and multiple articles, which have been written, about PL 280. What is missing is the homeland security literature on relevance and importance of tribal issues such as PL 280. Chapter III will provide a detailed account of the history of the law and the actions leading up to implementation of PL 280.

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### **III. HISTORY OF THE LAW**

In 2004 *United States v. Lara*, the U.S. Supreme Court Justice, Clarence Thomas stated, “Federal Indian Policy is, to say the least, schizophrenic. And this confusion continues to infuse federal Indian Law and our cases.”

#### **A. SOVEREIGNTY**

A government that is self-ruling and independent is sovereign; a sovereign nation is its own political unit or entity. Between 1607 and 1776, over 100 Indian treaties had been signed with the British government and colonial governments.<sup>33</sup> The treaties were negotiated for various reasons, including land and allegiance of friendship.

America, separated from Europe by a wide ocean, was inhabited by a distinct people, divided into separate nations, independent of each other and of the rest of the world, having institutions of their own, and governing themselves by their own laws...The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessor of the soil, from time immemorial.<sup>34</sup>

Tribal sovereignty is distinct from most other sovereignties. It has two specific criteria that make it unique; it has existed since time immemorial and it is inherent, not given. Sovereignty was never given to the tribes; they have always had such power. Each tribal government exercised sovereignty over its own people and territories and sought treaty integrity to protect its people, land, and livelihood. Tribal sovereignty is the basis for the tribe’s relationship with the United States and is an important factor in understanding the concept of PL 280.

#### **B. ASSIMILATION AND TERMINATION**

Indian tribes were recognized by the European powers to be separate sovereigns. No government gave the Indian tribes their ability to self-govern. The United States of

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<sup>33</sup> 1607 marked the first British colony (Jamestown); 1776 marked the Declaration of Independence beginning the American Revolution.

<sup>34</sup> *Worcester vs. Georgia*, 31 U.S. 515, 543, 559 (1832).

America, when it became a sovereign nation after the American Revolution, also acknowledge the Indian tribes as independent political entities with their own established governments. However, the rapid influx of these settlers, especially during the late 1800s, brought devastating results to cohesive tribal governments. A permeating philosophy, referred to as “assimilation,” dominated the thought process behind practices and policies directed by the federal government. The philosophy of assimilation had, at its core, the expectation of one’s culture and norms to conform and transform into the dominant societies culture and norms.

The decade of the 1880s was marked by the rapid settlement and development of the West. As an incident to the process, legislation providing for acquisition of lands and resources from the Indians was demanded. Ethical justification for this was found in the theory of assimilation. If the Indian would only adopt the habits of civilized life he would not need so much land, and the surplus would be available for white settlers. The process of allotment and civilization was deemed as important for Indian welfare as for the welfare of non-Indians.<sup>35</sup>

All Indian tribes were located either on assigned reservations or in isolated areas by the end of the 1880s. The reservation system was conducive to implementation of the policy of assimilation, breaking down a tribe’s ability to self-govern through cultural norms and traditional social morals. Two significant pieces of legislation, the Major Crimes Act (1885) and the General Allotment Act (1887), revealed how strong the assimilation policy infiltrated federal policy towards Native Americans. The Major Crimes Act imposed, for the very first time in the history of the United States, certain federal jurisdiction for crimes that had always been under the exclusive jurisdiction of tribal governments. At the heart of this Act of Congress was the belief that Indian governments were not competent to handle serious issues and needed the help of the federal government for justice. The General Allotment Act, though touted as legislation to help the Indians, actually had devastating consequences for Indian tribes as a cohesive group and their ability to adequately enforce law and order on their lands (jurisdiction).

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<sup>35</sup> Felix S. Cohen, *Handbook of Federal Indian Law* (Washington, United States Government Printing Office, 1945), 78.

There are some reservations in which the moral sanctions of an integrated community are so strong that apart from occasional drunkenness and accompanying violence, crime is unknown. Crime is more of a problem on reservations where the social sanctions based on tribal control of property have been broken down through the allotment system, and the efforts of these tribes to meet their law and order problem through tribal codes, tribal courts, and tribal police, are worthy of Serious attention.<sup>36</sup>

By the mid 1900s, the assimilation policy was disguised in euphemistic verbiage through the termination policy. PL 280, although not a termination statute, was a direct result of the philosophy of assimilation and termination of the federal trust responsibility.

The Indian Removal Act of 1830 was “*An act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.*”<sup>37</sup> This act was not an authorization to remove Indians against their will but to allow an avenue for exchange of their lands if they chose to leave voluntarily. The US Department of State, Office of the Historian, has an article titled, “*Indian Treaties and the Removal Act of 1830.*” In the article it states: “When Andrew Jackson became president (1829–1837), he encouraged Congress to adopt the Removal Act of 1830. The Act established a process whereby the President could grant land west of the Mississippi River to Indian tribes that agreed to give up their homelands. As incentives, the law allowed the Indians financial and material assistance to travel to their new locations and start new lives.....”<sup>38</sup> Early on, President Jackson made it clear that he intended to remove the Indian tribes west of the Mississippi River.<sup>39</sup> In 1871, the *Indian Appropriations Act* was passed. This was yet another devastating blow to the Indian tribes and their ability to sustain. The U.S. Constitution allows the Tribes to make treaties; this act allowed for that exclusion of the Indian nations in that process. Because this is the only legal way for the Indian nations to make treaties, Congress was able to

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<sup>36</sup> Felix S. Cohen, *Handbook of Federal Indian Law*, (Washington, United States Government Printing Office, 1945), 149.

<sup>37</sup> Official website for the U.S. Department of State, Office of the Historian, Indian Treaties and the Removal Act of 1830, <http://history.state.gov/milestones/1830-1860/IndianTreaties>.

<sup>38</sup> Ibid.

<sup>39</sup> U.S. vs. John, 437 U.S. 634, 640, “In his first annual address to Congress on December 8, 1829, President Jackson made known his position on the Indian question and his support of immediate removal, S. Doc. No. 1, 21<sup>st</sup> Cong., 1<sup>st</sup> Sess., 116 (1829).

eliminate the ability for Tribes to make treaties in the future. The Indian Appropriations Act reads: “No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.”<sup>40</sup>

Although the Termination Act was not where PL 280 was created, PL 280 was a direct result of the thought behind termination. The Termination Period was a time where the federal government attempted to terminate its relationship with the Indian tribes.<sup>41</sup> PL 280 allowed the federal government to transfer some of its jurisdiction to the states. This seems inconsistent with the fact that the federal government held exclusive jurisdiction over Indian territory except the Tribes’ own jurisdiction over internal matters. “Because of their sovereign status, tribes and their reservation lands are insulated in some respects by a ‘historic immunity from state and local control.’”<sup>42</sup> So where exactly did the rule change and why? With closer inspection, we will find that there was a policy already in place which had now been given a new meaning. In 1934 the assimilation policy had a brief delay of about ten years by the Indian Reorganization Act. Congress had full intentions of continuing with the federal policy of assimilation of Indian Affairs. The reservation system, boarding schools, and the Allotment Act were natural results of the US Government’s assimilation policy.<sup>43</sup> Senator Watkins wrote that the Indian is “a fellow American citizen” and the concern was the “freeing of the Indians from special federal restrictions.” He went on to say that this “historic policy of Congress favoring freedom for the Indians” was “following in the footsteps of the *Emancipation*

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40 Codified in 25 USC Section 71–Future Treaties with Indian Tribes.

41 Alex Tortes, and Cindy Pierce, A User-friendly Public Law 83–280 Resource Guide, Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

42 New Mexico vs. Mescalero Apache Tribe, 462 U.S. 324, 332 (1983) quoting Mescalero Apache Tribe v. Jones 411 U.S. 145, 152 (1973).

43 Alex Tortes, and Cindy Pierce, A User-friendly Public Law 83–280 Resource Guide, Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

*Proclamation.*”<sup>44</sup> At that time, this type of ideology was accepted with favor and the enactment of House Concurrent Resolution 108 was born.

House Concurrent Resolution 108 reads: “Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens.” (*See the complete text of HCR 108 US Statutes at Large, August 1, 1953, 67 Stat. B123, with the specific terminations mentioned, Appendix D. P. 365.*) For most Indians, they thought this good news, they wanted to be free from being wards of the United States and wanted restrictive controls to end. What the Indians didn’t know, was that this was beginning of the termination policy era. The era would include: termination of the federal government’s relationship with the Tribes and removal of protection for the territory, culture, and religion. “From 1953–1964 109 tribes were terminated and federal responsibility and jurisdiction was turned over to state governments.”<sup>45</sup> These were total and complete terminations where Congress showed clear intentions. House Concurrent Resolution 108 had paved the way for the enactment of PL 280 by the 83<sup>rd</sup> Congress. PL 280 did not divest the tribes of their jurisdiction over their people and territories, but transferred the federal jurisdiction covered under the General Crimes (18 USC § 1152) and Major Crimes (18 USC § 1153) to several states. The National Congress of American Indians was instrumental in overturning the termination policy.<sup>46</sup> The 83<sup>rd</sup> Congress which

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44Arthur V. Watkins, Termination of Federal Supervision: The Removal of Restrictions Over Indian Property and Person, *Annals of the American Academy of Political and Social Science*, 311 (May 1957). The Emancipation Proclamation was an executive order proclaiming the freedom of slaves in the states that were part of the Confederacy.

45 “Council of Indian Nations reaches Out to Native American Communities that Lack Medical Facilities, Stores, Electricity, and Water—Council of Indian Nations,” [http://www.nrcprograms.org/site/PageServer?pagename=cin\\_hist\\_terminationpolicy](http://www.nrcprograms.org/site/PageServer?pagename=cin_hist_terminationpolicy).

46 The National Congress of American Indians (NCAI) was instrumental in overturning the termination policy. They helped organize a seventy-nine tribe summit which produced a “Declaration of Indian Purpose.” This declaration was officially presented to President John F. Kennedy in 1961.

convened between January 3, 1953 and January 3, 1955, heard more on Indian issues than any other Congress. This Congress also enacted one-sixth of the bills regarding Indian affairs that were introduced.<sup>47</sup>

When Eisenhower came into office, he was faced with a lot of issues. He entered in the 83<sup>rd</sup> Congress, but depended on his Indian experts in order to help him accomplish his goals.<sup>48</sup> During this time, the Bureau of Indian Affairs (BIA), created a termination list with every tribe listed and with the length of time they expected before they would be terminated.<sup>49</sup>

The word termination in itself created a lot of confusion. The difficulty was getting people to understand that there was more to the story than just a decision of whether it should or shouldn't be done. There were legal obligations and trust obligations that had to be considered. More importantly, there were many unanswered questions regarding termination. "Questions about the land, the water, mineral rights, liens on properties and taxes, buildings needed to be brought up to code, medical and educational services, hunting and fishing rights."<sup>50</sup> Although the government policy has shifted repeatedly with: the Allotment Act, Reorganization Act, and finally towards termination, the tribes did not stay quiet. They raised concerns and united into larger groups to oppose what was occurring. "Indians did not remain on the periphery of events during termination."<sup>51</sup> Their voice became louder leading up to the enactment of PL 280. "The

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47 Ibid. "The Eighty-third Congress introduced 288 public bills and resolutions on Indian affairs and 46 were to be enacted into law."

48 Donald L. Fixico, *Termination and Relocation, Federal Indian Policy 1945–1960*, University of New Mexico Press 1986, 110; See also Institute for Government Research.

49 Russel L. Barsh, and James Youngblood Henderson, *The Road*, University of California Press 1980, 124.

50 Alex Tortes, and Cindy Pierce, *A User-friendly Public Law 83–280 Resource Guide*, Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

51 Kenneth R. Philp, *Termination Revisited*, University of Nebraska Press 1999, xii.



Public Law 280 legislation was approved by Congress in the face of strenuous Indian opposition and denied consent of the Indian tribes affected by the Act.”<sup>52</sup>

### C. STEPS TO PUBLIC LAW 83-280

In 1929, the Federal Government began to transfer authority to the States for health and education. This had been done in response to the 1928 Meriam Report findings and recommendations.<sup>53</sup> Federal money was given in order to fund these transfers. It was at this time that legislators began looking at ways to transfer federal civil and/or criminal jurisdiction on the reservations to the states. This had also been recommended in the Meriam Report because “the maintenance of order and the administration of justice among restricted Indians on the reservation” were “*unsatisfactory*.”<sup>54</sup> The Meriam report purpose was to collect and document the facts and come up with a feasible solution to the problems identified. The report identified the following eight items:

- Federal Indian Law was confusing, voluminous and complex.
- Federal criminal Indian law was very specialized and incomplete.
- There were jurisdictional gaps – it was a burden for U.S. judges to deal with minor civil and misdemeanor cases that generally would fall to a local Justice of the Peace—U.S. judges generally would not hear such cases.
- No Federal Indian law existed.
- The states expressed much uncertainty and confusion about jurisdiction on Indian lands. States did not get involved and acknowledged Indian reservations as the exclusive problem of the national government – “government in spots.”
- Federal U.S. courts were often located far away from the reservations.

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<sup>52</sup> David M. Ackerman, Background Report on Public Law 280 prepared at the request of Henry M. Jackson, chairman, Committee on Interior and Insular Affairs, United States Senate, Committee Print, 94th Congress, 1st Session, U.S. Government Printing Office 1975, at Memorandum of the Chairman.

<sup>53</sup> Ibid. CRS-5, “In 1929, Congress authorized the states to enforce on Indian reservations their sanitation and quarantine laws, to make inspections for health and educational purposes, and to enforce compulsory school attendance.” Federal funding was authorized for these state-run programs and services.

<sup>54</sup> Institute for Government Research, Studies in Administration, The Problem of Indian Administration (Meriam Report), The Johns Hopkins Press, 743.

- Areas such as California had tribes scattered throughout the state which made it virtually impossible for Indian Office agents to effectively maintain the order and administration of justice.
- Some states were not yet willing to accept jurisdiction over Indian country or the local sentiment toward Indians was so hostile or indifferent that Indians would not get a fair trial—or perhaps no trial at all. Federal courts should remain a viable option for more serious cases where Indians would not otherwise receive justice at the local level. For the protection of the Indians, property rights needed to remain protected at the federal level.

Rather than consider the option that the tribes could self-govern at some point, the option was completely ruled out by the authors of the Meriam report. Instead they thought the tribes were so broken down that they could not have an independent tribal government. Accompanying their assumption was the clear purpose of the federal government to “adjust” Indians “to the prevailing civilization of the state and nation.”<sup>55</sup>

#### **D. SUMMARY**

The history of the law includes many factors including sovereignty, assimilation, and termination. There were many acts enacted leading up to implementation of PL 280. This chapter includes discussion of the Indian Removal Act, Indian Appropriation Act, Termination Act, and the 1928 Meriam Report. Finally, the chapter outlines the steps taken prior to implementation of PL 280. Chapter IV will take a closer look at the law, amendments, retrocession, and the parameters.

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<sup>55</sup> Ibid., 765. “If the Indian were left alone in his native ways, and if the government were not attempting to adjust him to the prevailing civilization of the state and nation, the problem might well be left to the Indian to solve by his own methods. The government, however, is attempting to do that very thing. In the schools it teaches the student to read and write the English language, to wear clothes of our civilization, and to conform to most of our customs and habits.”

## IV. PUBLIC LAW 83-280

### A. THE LAW IN 1953

In 1953, Congress mandated PL 280 to specific states and the tribes within those states. This mandate was done without the consent of either the states or the tribes and with much opposition. The mandate ordered the states to incorporate the specified state jurisdiction into Indian country and to do so without any funding. Within this mandate, there were five states, and later six, which are referred to as the “Mandatory States.” These states included: California, Minnesota, Nebraska, Oregon, and Wisconsin (Alaska was included after statehood). Because PL 280 was not optional, these six states became known as the *Mandatory States*. Though this mandate was supposed to increase and improve services, what was received was quite the opposite. With a lack of funding, there was not money designated to fulfill the needs. PL 280 was “deficient in that it failed to fund the States who assumed jurisdiction and as a result vacuums of law enforcement protection have occurred in certain Indian reservations and communities.”<sup>56</sup> Within the original version of the law, three Tribes were exempted from the law: The Red Lake Band of Chippewa Indians in Minnesota, The Warm Springs Tribe of Oregon, and The Menominee Tribe of Wisconsin. These tribes specifically petitioned for exemption of PL 280’s jurisdiction on their lands.<sup>57</sup>

PL 280 allowed non-mandatory states to make their own decision as to whether their state would assume jurisdiction. These states are referred to as the “Optional States” and the law did not require them to gain consent from the tribes or even to consult with the tribes before assumption of jurisdiction. Prior to the enactment of the law, some representatives of tribes expressed general support for the states assuming jurisdiction,

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<sup>56</sup> Ibid. Memorandum of the Chairman, 766

<sup>57</sup> David M. Ackerman, Background Report on Public Law 280 prepared at the request of Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, United States Senate, Committee Print, 94th Congress, 1st Session, U.S. Government Printing Office 1975, CRS-22, Information related in House Report No. 848, 834d Congress, 1st Session (July 16, 1953). The Department of the Interior made notation that “the Colville and Yakima Tribes of Washington opposed state jurisdiction because of a ‘fear of inequitable treatment in the State courts and fear that the extension of State law to their reservations would result in the loss of various rights.’”

“in terms of escaping the ‘over-supervision and overregulation’ of (the) BIA.”<sup>58</sup> Although there was general support, the majority also expressed the importance of tribal consent. Their agreement with the law was contingent upon the requirement of a tribal referendum prior to the federal government’s transfer of jurisdiction to any state.<sup>59</sup>

PL 280 was signed on August 1, 1953, but as President Eisenhower signed it, he expressed disappointment in the process. Eisenhower stated that he “had grave doubts as to the wisdom of certain provisions contained” in it. He was unhappy that PL 280 did not include “a requirement of full consultation” “in order to ascertain” the Indians “wishes and desires.” He recommended “that at the earliest possible time in the next session of the Congress, the Act be amended to require such consultation with the tribes prior to the enactment of legislations subjecting them to state jurisdiction.”<sup>60</sup>

## **B. AMENDMENT IN 1968**

Although there was discontent with the law and President Eisenhower stated an immediate amendment needed to be written, there was no further action until fifteen years later. In the fifteen years leading up to the amendment, tribal groups and legislators worked to prove why they were so troubled, even alarmed, with the PL 280 legislation and the termination policy in general.<sup>61</sup> Once the realization of the termination policy set in, legislators moved away from supporting the policy and things took a turn for the better when the Kennedy administration stepped in and began opposing the

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1953 (Washington: Office of the Federal Register, National Archives and Records Service, n. d.), 564–566.

<sup>61</sup> David M. Ackerman, Background report in Public law 280 prepared at the request of Henry M. Jackson, chairman, Committee on Interior and Insular Affairs, United States Senate, Committee print, 94th Congress, 1st Session, U.S. Government Printing Office 1975, at Memorandum of the Chairman, “The Indian community viewed the passage of Public law 280 as an added dimension to the dreaded termination policy. Since the inception of its passage the statute has been criticized and proposed by tribal leaders throughout the Nation. The Indians allege that the Act is deficient in that it failed to fund the States who assumed jurisdiction and as a result vacuums of law enforcement protection have occurred in certain Indian reservations and communities. They contend further that the Act has resulted in complex jurisdictional problems for Federal, State, and tribal governments; (see also p. CRS-36) Representative Reifel from South Dakota urged Congress to amend PL 280 stating, “I know of no Indian tribe in this country which has not bitterly resented the arbitrary authority invested in States under Public Law 280, and which does not now support the provision of tribal consent prior to such assumption of jurisdiction by States.”

implementation of any more termination measures. With the Johnson administration action began to take place. President Johnson's speech, "*The Forgotten American*," stated "We must assure the Indian people that it is our desire and intention that the special relationship between the Indian and his government grow and flourish. For the first among us must not be the last."<sup>62</sup> President Johnson did not stop there and went on to encourage Congress to pass the Indian Civil Rights Act (ICRA). The Act included a provision for tribal consent to be given before a state can assume jurisdiction on the reservation. The President did not lead this charge alone and had Congress' support. The Senate introduced a Senate Concurrent Resolution that stated: "The deplorable conditions<sup>63</sup> of American Indians and Alaska natives can only be alleviated through a sustained, positive, and dynamic Indian policy with the necessary constructive programs and services directed to the governing bodies of these groups for application in their respective communities, offering self-determination and self-help features for the people involved."<sup>64</sup> The termination policy was eventually rejected, but PL 280 survived<sup>65</sup>. The amendment in 1968 required tribal consent moving forward, but did not affect any tribes that were already under state jurisdiction.

### **C. RETROCESSION AND FEDERAL ASSUMPTION**

Besides the requirement of obtaining tribal consent, another provision made in 1968 was retrocession.<sup>66</sup> Retrocession allowed the federal government to take back the jurisdiction from the state either in full or partially. The request had to be initiated by the

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<sup>62</sup> President Lyndon B. Johnson's Special Message to the Congress on the Problems of the American Indian: "*The Forgotten American*," March 6, 1968.

<sup>63</sup> Donald L. Fixico, *Termination and Relocation, Federal Indian Policy 1945–1960*, University of New Mexico Press 1986, 113–114, 118, The Association on American Indian Affairs president, Oliver La Farge, called termination the "government's reckless abandonment of Indian responsibilities." A 1955 editorial in a widely read magazine, which had brought social awareness of the Japanese-American relocation and internment camps in earlier issues, now reported that the living conditions of Native Americans "were little better than those of former Korean refugees," (June 1955 editorial in *The Christian Century*, a 71-year established magazine).

<sup>64</sup> Senate Concurrent Resolution 11, 90th Congress, 2nd Session, 2.

<sup>65</sup> President Richard Nixon's special message on Indian affairs to Congress on July 8, 1970 became the national commencement of a new era in Indian policy. President Nixon demonstrated in his speech how termination of the federal trust responsibility was wrong and implied that it was merely an act of generosity that could be withdrawn whenever the government saw fit to do so.

<sup>66</sup> Retrocession of jurisdiction by state, 25 U.S.C. § 1323 (1953).

State not the tribe, which allowed States to continue to impose jurisdictional authority that may not be in line with the will of a tribe. The 2010 amendment to PL 280 through the Tribal Law and Order Act opened the door for “United States Assumption of Concurrent Federal Criminal Jurisdiction.” This amendment allows a tribe to initiate, without the approval of the state, a request for the Federal government to reassume the jurisdiction they had prior to PL 280’s enactment.<sup>67</sup> The 2010 amendment permits a mandatory state tribe to request that the United States accept concurrent jurisdiction to prosecute violations of the General Crimes Act (18 USC §1152) and the Major Crimes Act (18 USC § 1153). If this is authorized by the Attorney General, authorities can then investigate and prosecute offenses in Indian country that PL 280 otherwise prohibits.<sup>68</sup> Therefore, federal re-assumption allows for tribal, state and federal criminal jurisdiction within a tribe’s Indian country.

#### **D. SCOPE OF AUTHORITY**

PL 280 can be broken down into three parts: criminal, civil, and procedural. The criminal section is the main part and the most easily misinterpreted.

The civil section does not deal with crime but rather providing reservation Indians access to the state courts for civil actions.<sup>69</sup> One court case explained that the civil section was “primarily intended to redress the lack of adequate Indian forums for resolving private legal disputes between Indians and other private citizens, by permitting the courts of the States to decide such disputes.”<sup>70</sup> In order to avoid any confusion as to who had jurisdiction over civil matters, this section clarified that all civil matters were to

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<sup>67</sup> The Tribal Law & Order Act of 2010 (PL 111–211, enacted on July 29, 2010) amended PL-280 by adding subsection (d) to 18 USC § 1162: (d) Notwithstanding subsection (c), at the request of an Indian tribe, and after consultation with and consent by the Attorney general - (1) sections 1152 and 1153 shall apply in the areas of the Indian country of the Indian tribe; and (2) jurisdiction over those areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments.

<sup>68</sup> 18 USC § 1162 (c) bars federal jurisdiction on the Mandatory States (listed in subsection (a) areas: The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction.

<sup>69</sup> Alex Tortes, and Cindy Pierce, A User-friendly Public Law 83–280 Resource Guide, Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

<sup>70</sup> Bryan vs. Itasca County, 426 U.S. 373, 383 (1976).

be heard in the state in which they arose. This removed any doubt as to who would hear such cases, and for these areas, it eased the burden on the federal system.<sup>71</sup> The civil section also included a clause that stated “any tribal ordinance or custom hereto or hereafter adopted by an Indian tribe, band or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.”<sup>72</sup>

The informational section is the legal portion. It starts out by giving the State consent from Congress to assume jurisdiction (non-mandatory states). This section is not a mandate, but an open invitation for states to assume jurisdiction if they choose. The information section also includes legal jargon for assumption of civil jurisdiction, retrocession by the State, amendment of state constitutions or statutes to remove legal impediment, abatement of actions, and special elections.

The law gives two choices: dealing with a crime under the criminal section, or dealing with a private civil action under the civil section.

[W]hen a State seeks to enforce a law within an Indian reservation under the authority of Pub. L. 280, it must be determined whether the state law is criminal in nature, and thus fully applicable to the reservation, or civil in nature and applicable only as it may be relevant to private civil litigation in state court.<sup>73</sup>

Most of this seems fairly clear, but when things are “not so easily organized”<sup>74</sup> and do not fall within the parameters set, PL 280 becomes a little bit more complicated. “In order for a state law to be fully applicable to a reservation under the authority of PL 280, it must be a criminal law.”<sup>75</sup> Determining whether something is or isn’t a “criminal

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<sup>71</sup> See Institute for Government Research, Studies in Administration, *The Problem of Indian Administration (Meriam Report)*, The Johns Hopkins Press, 768–769.

<sup>72</sup> Original wording of PL 280 in 1953.

<sup>73</sup> *California vs. Cabazon Band of Mission Indians*, 480 U.S. 202, 208 (1987).

<sup>74</sup> *State vs. Burgess*, 262 Wis. 2d 354, 368 (2003).

<sup>75</sup> *State vs. Stone*, 572 N.W.2d 725, 729 (1997).

offense” is not sufficient, it cannot be based solely on “criminal offense.”<sup>76</sup> The law must be applied “with precision and with fidelity”<sup>77</sup> according to Congress’ *intent* of the law. There are two basic determining categories: civil/regulatory and criminal/prohibitory. Civil/regulatory is “something people are allowed to do, in accordance with the rules and regulations” and criminal/prohibitory is “something totally prohibited; not allowed or tolerated in society.”<sup>78</sup> “Only the criminal/prohibitory section of a state’s public policy is enforced on a reservation. State laws that fall under civil/regulatory, were never intended to apply on Indian lands under PL 280.”<sup>79</sup> There are areas of the law that “do not squarely fall under one category within the criminal/prohibitory—civil/regulatory dichotomy.”<sup>80</sup> There is “not a bright-line rule”<sup>81</sup> when deciding whether a law is prohibitory or regulatory. Finally, when a crime occurs off reservation and the subject returns to the reservation, the state’s jurisdictional authority does not change.<sup>82</sup> “Congress has not stripped the states of their inherent jurisdiction on reservations with regard to off-reservation violations of state law. The federal statutory scheme neither prescribes nor suggests that state officers cannot enter a reservation to investigate or prosecute such violations.”<sup>83</sup>

Finally, there are three jurisdictions: tribal, federal, and state. “With the enactment of the 2010 Tribal Law and Order Act (TOLA), PL 280 was amended to include a new section within 18 USC § 1162... section (d). This section gives Indian tribes within the mandatory PL 280 areas the opportunity to request the federal government to assume

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<sup>76</sup> Ibid. 572 N.W.2d 725, fn. 4 (1997).

<sup>77</sup> “Jurisdictional statutes are to be construed with precision and with fidelity to the terms by which Congress has expressed its wishes,” U.S. vs. Cook, 922 F.2d 1026 at 29 (1991).

<sup>78</sup> Alex Tortes, and Cindy Pierce, A User-friendly Public Law 83–280 Resource Guide. Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

<sup>79</sup> Ibid.

<sup>80</sup> State v. Burgess, 262 Wis.2d 354, 369 (2003).

<sup>81</sup> California vs. Cabazon Band of Indians, 480 U.S. 202, 210 (1987).

<sup>82</sup> Nevada vs. Hicks, 533 U.S. 364 (2001) service of a state’s process is not prevented in Indian country and is necessary to prevent Indian reservations from becoming “an asylum for fugitives from justice;” See also: Le Clair v. Powers, 632 P.2d 370, 374 (Okla. 1981), “Indian country is not a federal enclave off limits to state process servers.”

<sup>83</sup> Ibid., 354.



concurrent criminal jurisdiction. When PL 280 was originally enacted, it gave the Mandatory States exclusive jurisdiction over Indian country, exclusive of the federal government, but not of the tribes. Therefore excluding federal jurisdiction of the General Crimes (18 USC § 1152) and Major Crimes (18 USC § 1153). However, the new amendment allows tribes, on an individual basis, to request federal jurisdiction of 1152 and 1153 to apply within their Indian country.”<sup>84</sup> If the U.S. Attorney General accepts the request, it can enforce federal jurisdiction concurrently with the application of federal law.

## **E. SUMMARY**

This chapter discussed the original law in 1953, amendment in 1968, and retrocession. The parameters of the law and scope of authority pertaining to regulatory and prohibitory factors were addressed. Chapter V will move away from the law itself, and focus on the methodology used in this thesis.

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<sup>84</sup> Alex Tortes, and Cindy Pierce, A User-friendly Public Law 83–280 Resource Guide, Vol. 1, n.d., <http://www.amazon.com/User-friendly-280-Resource-Guide-Volume/dp/0615683649>.

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## **V. METHOD**

This thesis encompasses qualitative data analysis using a data set collected through a survey instrument. This instrument was fielded and collected by OES Intergovernmental Tribal Affairs Office, and the results subsequently made available to the author for analysis.

The analysis resulted in several policy recommendations for the PL 280 stakeholders not only for the two California counties surveyed, but also for all PL 280 states. These recommendations are the subject of chapter eight.

### **A. DATA SET**

The data collected by OES Intergovernmental Tribal Affairs Office and shared with the author were part of a larger initiative in the OES Intergovernmental Tribal Affairs Office, which has been charged with improving relationships among stakeholders and identifying areas of concern in the Tribal communities.

The survey instrument was thus designed to capture the opinions and views of the stakeholders as they relate to PL 280, establish data that has not been obtained previously, and yield the following information:

1. Collaborations/partnerships – Are there existing relationships between the majority of the tribes and law enforcement? This will be measured by regional interactions and collaboration. This will be a high level of interaction versus a low level of interaction. Is there a tribal liaison in place? Are incidents being run under unified command?
2. Familiarity/knowledge – Do the tribes understand what PL 280 means for them? Does law enforcement know what PL 280 means? Do they know what they can and cannot cite for? Do they know their roles and responsibilities on the reservation?
3. Compliance with the law – Is PL 280 being complied with, is there a process in place at the state/federal level to evaluate the effectiveness, has the local jurisdiction refused to respond to a call on the reservation?
4. Law enforcement effectiveness/impacts – Has PL 280 impacted the reservation? Does the agency receive reimbursement for services rendered? Does concurrent jurisdiction exist? Are reservations used for criminal activity? Are response times satisfactory?

5. Cultural competence – Does public safety understand the cultural differences and traditions? Are they respecting the Tribal leadership? Is training for cultural sensitivity being provided?
6. Training/education – Are law enforcement being offered training on PL 280? Is it mandatory? Are Tribes being offered training on PL 280? Is more education needed? Does the Tribe train/exercise with the local jurisdictions for response on the reservation? Should training be mandatory?
7. Next steps for success – Is there something specific stakeholders would like to see improved? What steps could be taken to bring about awareness, knowledge, and implementation for PL 280?

The intended outcome is not just a clear sense of what problems may exist with the law, and recommendations for its modifications, but also a template for how it can be implemented elsewhere. With the focus of the survey being the stakeholders themselves, this brings an entirely new collection of data and begins to fill a knowledge gap on the research side. This thesis brings new data on the implementation of the law, how it is working (or not), effective or successful (or not), is understood (or not), and gains insight into the opinions of the stakeholders.

The instrument was delivered to 140 possible respondents, 63 percent of whom anonymously completed and returned it. 63 percent is a very high response rate for a survey. OES Intergovernmental Tribal Affairs Office is presumably still conducting its own analysis of the returned data, but this concurrent effort will, one hopes, contribute to the larger goal of improving this policy practice.

The survey instrument (see Appendix A) asked 37 questions, clustered around the following seven categories:

1. Collaborations/partnerships
2. Familiarity/knowledge
3. Compliance with the law
4. Law enforcement effectiveness/impacts
5. Cultural competence
6. Training/education
7. Next steps for success

## **B. SURVEY SUMMARY**

The survey, Anonymous California Public Law 83-280 Survey, sought the input of the target group participants (e.g., Tribal, Emergency Management, Law Enforcement, Elected Officials, and Fire Department) by contacting them through their work emails and department heads. The survey was distributed to 140 email addresses with 12 rejected or opting out. There were a total of 81 responses. The survey was advance tested on May 30, 2013 with employees of OES Intergovernmental Tribal Affairs Office to ensure their understanding of the survey questions. As a result of the advanced testing, there were minimal changes made prior to the launching of the actual survey. OES Intergovernmental Tribal Affairs Office created the survey on May 28, 2013. The first email message seeking participation was sent on June 3, 2013 at 8:30 a.m. the survey ended on June 17, 2013, at 5:00 p.m.<sup>85</sup> Survey responses immediately began being received indicating that the distribution was successful.

## **C. SUMMARY**

The methods section reviews the data set used, criteria of the survey questions, amount of respondents, and the information desired from the stakeholders. The outcome of the survey is discussed in Chapter VII and VIII. Prior to reviewing specifics about the survey, Chapter VI outlines the selection criteria and provides specifics as it relates to the tribes within the two counties surveyed.

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<sup>85</sup> Information on survey development and execution provided by Denise Banker, Tribal Liaison at OES Intergovernmental Tribal Affairs Office.

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## **VI. DEMOGRAPHICS**

### **A. OVERVIEW**

The County of Riverside and the County of San Diego are home to 30 Tribes. Each of these tribes has its own reservation and economic development. This chapter provides a detailed account for each tribe, this type of detail in one document has not been provided before. Prior to reviewing the survey data it is important to note the number of tribes, their governing structure, and the impact they have on the community based on economic development.

### **B. DEFINING THE FACTORS/DEMOGRAPHICS**

Riverside and San Diego counties have had their share of negative press as it relates to the Tribes and accusations of poor response on the reservations. In 1989, Vice Chair of the Rincon tribe testified before the Senate Select Committee on Indian Affairs:<sup>86</sup>

“[T]he County Sheriff’s Office response to criminal activity is almost non-existent. When the Sheriff’s Office receives a call regarding gunfire and someone being shot, it often takes them more than one hour to respond to the incident, if at all. With criminal activities of a lesser degree, often the County Sheriff does not respond at all, leaving the reservation with little or no protection. The San Diego County Sheriff has stated officially that he does not like to provide services to Indian Tribes. Perhaps the

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<sup>86</sup> For more statements critical of PL 280, see Carole Goldberg and Duane Champagne: Searching for an Exit: The Indian Civil Rights Act and Public Law 280, in a volume recently published by the UCLA American Indian Studies Center, The Indian Civil Rights Act at Forty.

reason for this is due to the reservation not having a taxable base to draw funds from in order to defer the cost of providing law enforcement.”<sup>87</sup>

In the County of Riverside in 2008, the Soboba Indian Reservation asked the Riverside County Sheriff to check in with tribal security at the guard station before entering the reservation.<sup>88</sup> In a joint meeting, Tribal Chairman, Robert C. Salgado vocalized the tribe’s control of their reservation (Home Rule) including tribal policing of their reservations by their own people. Chairman stated that Tribal Council gave the Sheriff’s department full access to the casino and when in “hot pursuit” or in cases of emergency. In the same meeting Riverside County Sheriff, Stanley Sniff threatened to arrest security officers and tribal leaders who have been delaying his deputies as they attempt to enter the Soboba reservation and expressed concern such confrontations could escalate into violence. Chairman Salgado defended the tribe’s policy of questioning sheriff’s deputies when they visit the reservation. Salgado also said he’s well within his rights to have tribal security guards briefly delay sheriff’s deputies who serve search warrants or conduct other business at the reservation.<sup>89</sup>

The Soboba Band of Luiseno Indians sponsored a PL 280 forum in 2008, and Chairman Robert J. Salgado told the group in his welcoming statement that he did not believe that the tribe is above the law, but it has the right to defend its Tribal Sovereignty. The meeting was opened with a question: asking people to share what their honest

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87 “Issues of Concern to Southern California Tribes,” Hearing before the Select Committee on Indian Affairs, United States Senate, 101st Cong., 1st Sess. 122 (1989). Statements to similar effect span the entire period since enactment of Public Law 280. A 1991 Los Angeles Times article points out that the La Jolla Reservation in San Diego County has been overrun with drugs and violence, with six young tribal members murdered during a period of several months in the late 1980s. According to a past Tribal Chair, when members called the Sheriff’s Department to report a murder, it was usually an hour before a deputy arrived. Anything short of homicide, and the wait for a sheriff’s response was at least three days. Sometimes no response came at all. Even representatives of the Sheriff’s Department acknowledged that the remoteness of the reservations, the cultural differences between the police and tribal members, and the uncertainties of jurisdiction law discouraged police responsiveness. A. Wallace, “No More No–Man’s Land,” Los Angeles Times, June 17, 1991. In 1966, a U.S. Senate Subcommittee found that “Public Law 280...[has] resulted in a breakdown in the administration of justice to such a degree that Indians are being denied due process and equal protection of the law.” Public Law 280: Legislative History,” Committee on Interior and Insular Affairs, United States Senate, 94th Congress, 1st Session, 29–30 (1975). The 1976 American Indian Policy Review Commission reached the same conclusion based on its own investigations.

88 “California Indian Education, Soboba Indian Reservation Public Law 280 Forum,” [http://www.californiaindianeducation.org/education\\_resources/soboba\\_public\\_law.html](http://www.californiaindianeducation.org/education_resources/soboba_public_law.html).

89 Ibid.



feelings were about PL 280. Joe Meyers, a highly respected Native American attorney, shared some of his personnel experiences with law enforcement and PL 280. He told the Tribal Leaders that PL 280 has not worked and it should be rescinded. He went on to say “P.L. 280 was the bullet that was intended to kill Tribal Sovereignty as part of the ‘Termination Policy’ of the Government...” Although the official “Termination Policy” of the Government ended with the passage of P.L. 93-638, the Indian Self Determination and Education Act of 1975 that was signed in to law by President Gerald Ford. Finally he stated that resistance for allowance of the Tribal Governments to fully implement self-governance continues at the local, state, and the federal levels.

Meyers shared a story of when he was 13-years-old when Public Law 280 came into effect, and how his grandfather took great pride in making his own fishing poles. On this special day, his grandfather was taking him fishing, when they were stopped by two of the local game wardens. One of the game wardens told his grandfather to give him his fishing pole, which he broke over his knee and handed back to his grandfather, telling him he was no longer allowed to fish without a fishing license. He said his grandfather did not respond, he just turned around and went home. He told of how he would be woken up in the middle of the night with flashlights shining in his eyes along with the rest of his family because the police were looking for “an Indian.” While he was sharing these experiences with the group, many heads were nodding up and down as many of the Tribal Leaders in the room has also experienced similar treatment.<sup>90</sup>

Jim Fletcher, Bureau of Indian Affairs Southern California Agency Superintendent, said that tribes will still need to work with local law enforcement, even if they take over policing their own reservations. “We need to work together as neighbors,” he said, “and sometimes we fight with our neighbors.”

Riverside County Sheriff Stanley Sniff did not attend the PL 280 forum, but the sheriff department's new tribal liaison, Alex Tortes, attended the meeting. Tortes, is also a tribal member of the Torres-Martinez Band of Desert Cahuilla. He is a retired Lieutenant with the Riverside County Sheriff’s Department. It was then that the TLU was created.

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<sup>90</sup> Ibid.

## **C. COUNTY OF RIVERSIDE**

The County of Riverside is the fourth largest county in the state of California and is home to twelve Indian tribes. The county is 200 miles wide and comprises 7200 square miles of river valleys, low deserts, mountains, foothills and rolling plains.<sup>91</sup> Riverside County shares borders with Los Angeles, Imperial, Orange, San Diego, and San Bernardino counties. The county was formed on May 8, 1893, from portions of both San Bernardino and San Diego County and took its name from the City of Riverside. “Between 1980 and 1990, the number of residents grew by over 76 percent...making Riverside the fastest-growing County in California. By 1992, the County was “home” to over 1.3 million residents...more than the entire population of 13 states, among them Maine, Nevada, Hawaii, and New Hampshire.”<sup>92</sup> The United States Census Bureau shows the 2012 population estimated at 2,268,783, of that 1.9 percent is American Indian and/or Alaska Native.<sup>93</sup> The County faces natural hazards, technological hazards and domestic security threats primarily. Riverside County is governed by a five member Board of Supervisors. Each district boundary is reviewed every ten years and is adjusted based on population. Within the County there are other governing bodies: city councils, tribal councils, water district boards, etc.<sup>94</sup> A large number of the tribes in Riverside County are highly successful gaming tribes, with growing levels of political involvement and influence, although this is relatively recent.

## **D. SUCCESSES**

Riverside County has an improving relationship between the Sheriff’s department and the Tribes. The department has been working towards bridging the gap between public safety and the tribal communities they serve. In 2008, Sheriff Stanley Sniff recognized the need to properly train his personnel and equip them with practical

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<sup>91</sup> “County of Riverside, Riverside County History,”  
<http://www.countyofriverside.us/visiting/aboutriverside/riversidecounty.html>.

<sup>92</sup> Ibid.

<sup>93</sup> “Riverside County QuickFacts from the U.S. Census Bureau,”  
<http://quickfacts.census.gov/qfd/states/06/06065.html>.

<sup>94</sup> County of Riverside, “Riverside Operational Area Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP),” October 5, 2004.

knowledge on the laws specific to Indian country; to that end he created a unique unit within the Riverside County Sheriff's department. The unit was officially named the Tribal Liaison Unit (TLU). The unit was created during a tumultuous time in the county with problems arising between the tribes and the Sheriff's department. In order to avoid further problems, the Sheriff knew he had to begin coordination and collaboration with the tribes. The Sheriff put a team of five together with strict responsibilities and goals in place. The TLU was tasked with building relationships, trust, partnerships, collaborating with the Tribes, listening to concerns and addressing them, building a community policing program, and training deputies within the county on PL 280. Initial communication with tribal governments revealed that most tribal communities had little interaction with or knowledge about public safety and the California criminal justice system.<sup>95</sup> Conversely, public safety personnel who worked on tribal lands lacked training on pertinent laws specific to Indian country.<sup>96</sup>

In an effort to bridge this gap, the unit consulted with the tribes, researched and developed training curriculum that outlined the historic overview of the tribes, tribal culture and laws pertaining to tribal lands. Over the course of several years, this tribal training curriculum was provided to all the Riverside County Sheriff's Department's personnel along with other allied agencies, community groups, tribal government leaders and personnel.

Out of the need for more tribal-specific training, seen through the many requests for such training, the TLU began developing an initial web-based tribal training portal entitled, "*Policing on Tribal Lands*" in 2013. The goal and vision of the training portal was to provide easy access to the Department personnel, allied agencies and tribal communities regarding current information and resources that will help reduce crime on tribal lands.

The Sheriff's TLU was created out of an identified criminal justice gap that existed in tribal communities. The following excerpt is from the archived article that was

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<sup>95</sup> Authors knowledge based on accounts with the TLU and tribal communities.

<sup>96</sup> Ibid.

featured in the U.S. Department of Justice, Community Oriented Policing Services (COPS) e-newsletter, Volume 4 / Issue 11 / November 2011, written by Capt. Lyndon “Ray” Wood, Riverside County Sheriff’s Department.

Among California’s 58 Sheriff’s Departments there are many specialized units that apply the community policing philosophies. The Riverside County Sheriff’s Department TLU, however, has set itself apart and created a program that is now looked upon as a model throughout the state of California for policing Native American communities....

To accomplish its mission, the TLU began by establishing communication with the tribal governments of each reservation to identify their needs and concerns. These initial contacts revealed that most Native American communities had a limited understanding of the California Criminal Justice System as well as limited interaction with law enforcement....

The Unit also realized that the reverse was true—that there was a lack of training and understanding of Indian Country by Department personnel, as well as law enforcement officers all across California, in regards to the historical, cultural, and legal aspects of policing Indian Reservations....

The community policing philosophy on Indian reservations has been integrated throughout the entire Department by the Tribal Liaison Unit, creating a better Riverside County Sheriff’s Department.

The Department’s commitment to the Native American communities has been recognized by other public safety departments and agencies. One such recognition in 2012 was the *James Q. Wilson Award*. This prestigious law enforcement award acknowledges those who institutionalize the Community Policing philosophy and empower their local communities for greatness.<sup>97</sup>

## **E. TRIBES WITHIN RIVERSIDE COUNTY**

Several tribal groups marked the county’s early beginnings: the Serranos, the Luisenos, the Cupenos, the Chemehuevi, and the Cahuillas. The tribes have been in the

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<sup>97</sup> March 2012–The Regional Community Policing Institute–California (RCOI-CA), American Military University in association with the California Police Chiefs Association and the Office of the Attorney General, California Department of Justice, awarded the Tribal Liaison Unit (one of the two finalists) the prestigious law enforcement award, the 2012 James Q. Wilson Award.

county since time immemorial. According to the California Native American Heritage Commission, the current population of Native Americans in Riverside County is 18,545.<sup>98</sup>

### **1. Agua Caliente Band of Cahuilla Indians**

The Agua Caliente Band of Cahuilla Indians is a federally-recognized Indian Tribe located in Palm Springs, Calif., with 32,000 acres of checkerboard reservation lands that spread across Palm Springs, Cathedral City, Rancho Mirage, and into the Santa Rosa and San Jacinto mountains. The Tribe's economic developments include Indian Canyons Golf Resort, the Spa Resort Casino and Hotel in downtown Palm Springs, and the Agua Caliente Casino Resort Spa in Rancho Mirage, which includes the 2,000-seat concert venue, The Show.<sup>99</sup> It also operates the Indian Canyon and Tahquitz Canyon parks, both open to the public. The Tribal Council is comprised of five elected members.

### **2. Augustine Band of Mission Indians**

The Augustine Band of Mission Indians is a federally-recognized Indian tribe located in Coachella, Calif. The Tribe's economic development includes a solar energy park, and Augustine Casino. The Tribe was almost non-existent after diseases took a toll on the Cahuilla people. By 1951, the Tribe had only 11 surviving members. The last surviving member went on to have three children who formed the tribal Government. The three children and their descendants comprise the official members today.<sup>100</sup>

### **3. Cabazon Band of Mission Indians**

The Cabazon Band of Mission Indians is a federally-recognized Indian tribe. The reservation is split into three parcels. One parcel borders both the city limits of Indio and Coachella, the second parcel borders the city limits of Coachella and the third parcel borders the unincorporated area of Mecca. The reservation is approximately 1700 acres.

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<sup>98</sup> "Populations of Native Americans in California, California Native American Heritage Commission," <http://www.nahc.ca.gov/population.html>.

<sup>99</sup> "Cultural History, Agua Caliente Band of Cahuilla Indians," <http://www.aguacaliente.org/>.

<sup>100</sup> "The Cahuilla People, Augustine Band of Cahuilla Indians," <http://www.augustinetribe.org/>.

The Tribe's economic developments include a resort complex with a casino, hotel, special events center, seven food outlets, an outdoor mini-amphitheater, a bowling center, and 18-hole golf course. The tribe also owns a light industrial park that leases property to several businesses including a biomass-fueled 47 mega-watt power plant, a tire recycling facility that produces crumb rubber from recycled tires, storage for an electrical contractor, a soil remediation company and a municipal solid waste processing firm. The Tribal Council is comprised of five elected members.

#### **4. Cahuilla Band of Mission Indians**

The Cahuilla Band of Mission Indians is a federally-recognized tribe located in a rural area known as Anza, Calif. The entire reservation is held in trust and consists of 18,884.26 acres; it is divided into land assignments and held in common for the membership. There are approximately 60 home structures on the reservation. "The Reservation is comprised of rolling hills, large boulders, and pasture lands of redshank, manzanita, and sagebrush; a true chaparral ecosystem. The Cahuilla Reservation has a major surface water system known as the Cahuilla Creek which runs from the southeastern section to the northwestern section."<sup>101</sup> The Tribe's economic development includes Cahuilla Creek Casino. The Tribal Council is comprised of five elected members.

#### **5. Colorado River Indian Tribes (CRIT)**

The Colorado River Indian Tribes include four federally-recognized tribes: the Mohave, Chemehuevi, Hopi, and Navajo. The reservation stretches along the Colorado River on both the Arizona and California side. The reservation includes almost 300,000 acres of land. The river serves as the focal point for economic development with the BlueWater Resort Casino and Spa. The tribe also has agriculture, sand and gravel, real estate development, and retail stores.<sup>102</sup>

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<sup>101</sup> "History, Cahuilla Band of Indians," <http://cahuillabandofindians.com/>.

<sup>102</sup> "About the Mohave, Chemehuevi, Hopi and Navajo Tribes, Colorado River Indian Tribes," [http://www.crit-nsn.gov/crit\\_contents/about/](http://www.crit-nsn.gov/crit_contents/about/).

## **6. Morongo Band of Mission Indians**

The Morongo Band of Mission Indians is a federally-recognized Indian tribe. The reservation is located in north central Riverside County sharing borders with the City of Banning, unincorporated Riverside County, and federal lands. The reservation comprises 54 square miles. The Tribe's economic developments include the Morongo Casino Resort & Spa, A&W Restaurant, Morongo Travel Center, Hadley Fruit Orchards, Canyon Lanes Bowling Center, and the Morongo Golf Club at Tukweet Canyon. Additionally, the tribe has business agreements with Arrowhead Mountain Springs Water and Ruby's Diner outlining their operations on the reservation. The Tribal Council is comprised of seven elected members.<sup>103</sup>

## **7. Pechanga Band of Luiseno Indians**

The Pechanga Band of Luiseno Indians is a federally-recognized Indian tribe. The reservation is located on the southwestern boarder of Riverside and San Diego County line and also borders the south west side of Temecula. The reservation is comprised of 6724 acres and 10.5 square miles. The Tribe's economic developments include Pechanga Resort & Casino, RV Park, gas station and golf course. The Tribal Council is comprised of seven elected members.<sup>104</sup>

## **8. Ramona Band of Mission Indians**

The Ramona Band of Cahuilla Indians is a federally-recognized Indian tribe. The reservation is located approximately twenty-seven miles southeast of Hemet, off Highway 74. The reservation is approximately 560 acres and is located at the base of Thomas Mountain. The tribe "will be one of the first tribes to develop its entire reservation off-grid, using renewable energy as the primary power source. The tribe will purchase and install the primary components for a 65-80 kilowatt-hours per day central

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<sup>103</sup> "Economic Story, The Morongo Band of Mission Indians," <http://www.morongonation.org/content/economic-story>.

<sup>104</sup> "Tribal Economy, Pechanga Band of Luiseno Indians," <http://www.pechanga-nasn.gov/page?pageId=1>.

wind/PV/propane generator hybrid system that will power the reservation's housing, offices, ecotourism, and training businesses.”<sup>105</sup> The Tribal Council is comprised of five elected members.

## **9. Santa Rosa Band of Cahuilla Indians**

The Santa Rosa Band of Cahuilla Indians is a federally-recognized Indian tribe. The reservation is located between Palm Springs and Anza and occupies 11, 021 acres of land. The reservation is comprised of four non-contiguous parcels. The Tribal Council is comprised of seven elected members.<sup>106</sup>

## **10. Soboba Band of Luiseno Indians**

The Soboba Band of Luiseno Indians is a federally-recognized Indian tribe. The reservation is located in the San Jacinto Valley with a backdrop of the San Jacinto Hills. The reservation borders the cities of Hemet, San Jacinto and the San Bernardino National Forest. The reservation comprises nearly 8,000 acres, 400 of which are devoted to residential use. The Tribe’s economic developments include Soboba Casino, an Entertainment venue, The Country Club at Soboba Springs, Sports Complex and The Oaks Retreat. The Tribal Council is comprised of five elected members.<sup>107</sup>

## **11. Torres Martinez Band of Mission Indians**

The Torres Martinez Band of Mission Indians is a federally-recognized Indian tribe. The reservation comprises 23,000 acres which is checkerboard, straddling two counties; Riverside and Imperial. The Tribe’s economic developments include The Red Earth Casino, Travertine Point Community Development and the Goldmine Project. Torres Martinez is the primary provider of TANF services in Southern California. The Tribal Council is comprised of five elected members.<sup>108</sup>

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<sup>105</sup> “The Ramona Tribe,” *Eco-Center Development*, <http://www.ramonatribe.com/projects.html>.

<sup>106</sup> “Santa Rosa Band of Cahuilla Indians,” *Welcome to the Santa Rosa Band of Cahuilla Indians Tribal website*, <http://www.santarosacahuilla-nsn.gov/home.htm>.

<sup>107</sup> “Soboba Band of Luiseno Indians,” *The People of Soboba*, <http://www.soboba-nsn.gov/index.php/history>.

<sup>108</sup> “Torres Martinez Desert Cahuilla Indians,” <http://www.torresmartinez.org/>.



## **12. Twenty Nine Palms Band of Mission Indians**

The Twenty Nine Palms Band of Mission Indians is a federally-recognized tribe. The Tribe's trust lands are located in both Riverside and San Bernardino counties. The Reservation is comprised of 400 acres of mixed urban land, 240 acres located near the City of Coachella and 160 acres adjacent to the City of Twenty Nine Palms and Joshua Tree National Park. The Tribe's economic developments consist of Spotlight 29 Casino and Tortoise Rock Casino. Tortoise Rock Casino is set to begin operations in late 2013, early 2014. The Tribal Council is comprised of three elected members.

## **F. COUNTY OF SAN DIEGO**

The County of San Diego is home to 18 Indian tribes. The County stretches 65 miles from north to south and 86 miles from east to west, covering 4,261 square miles. Elevation ranges from sea level to about 6,500 feet.<sup>109</sup> Orange and Riverside Counties to the north, Imperial County to the east, Pacific Ocean to the West, and Mexico to the South border the County. The County was formed on February 18, 1850. San Diego has 18 incorporated cities and 17 unincorporated communities. The United States Census Bureau shows the 2012 population estimated at 3,177,063, of that 1.4 percent is American Indian and/or Alaska Native.<sup>110</sup> The County faces natural hazards, technological hazards, and domestic security threats primarily. A five member Board of Supervisors governs San Diego County.

## **G. SUCCESSES**

The County of San Diego Sheriff's Department has a Tribal Issues Advisory Committee. The Sheriff's Tribal Issues Advisory Committee was formed in 2003. The Sheriff recognized that the dramatic expansion of Indian gaming in San Diego County would have an impact on law enforcement services on both tribal lands and the adjacent rural properties. The Sheriff's Senior Policy Advisor, who reports directly to the Sheriff,

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<sup>109</sup> San Diego County, California, "San Diego County Multi-Jurisdiction Hazard Mitigation Plan," July 2010.

<sup>110</sup> "San Diego County, Quick Facts from the U.S. Census Bureau," <http://quickfacts.census.gov/qfd/states/06/06073.html>.

has the responsibility for policing tribal lands and chairs the committee. In addition the committee includes lieutenants, captains, and commanders with representatives from the District Attorney's office and California DOJ. After the passage of the Tribal Law and Order Act, the Sheriff added an Assistant U.S. Attorney and Special Agent of the FBI to the committee. The Committee's focus is on improving the quality of law enforcement on tribal lands, developing consistency throughout the county in dealing with tribal governments, addressing legal questions, and deploying strategies to reduce the risk of crime and increase public safety.

The Sheriff's department Tribal Liaison, Greg Thompson, states that they do not have a TLU, instead they have one liaison and emphasize the importance of the relationship of the frontline law enforcement leaders with leaders of the tribal governments. The department has a quarterly Tribal Leaders and Law Enforcement meeting, chaired by the District Attorney and Sheriff and the host tribal chair. This is coordinated by the District Attorney's investigative liaison to the tribes, Senior Investigator Peter Martinez.

The San Diego area is home to the Southern California Tribal Chairman's Association (SCTCA). The Association was established in 1972 for a consortium of 19 federally-recognized Southern California tribes. Their primary mission includes the safety needs of enrolled Indians in the San Diego County urban areas. They administer numerous grants including law enforcement grants. The Association has the ability to act as a unified voice as it relates to public safety topics.

## **H. TRIBES WITHIN SAN DIEGO COUNTY**

The County of San Diego has more Indian reservations than any other county in the United States.<sup>111</sup> The reservations are very small and the total land holdings total just over 124,000 acres. There are four tribal groups that make up the Native Americans in San Diego County totaling 20,000, but only a small percentage of them live on reservation land. According to the California Native American Heritage Commission, the

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<sup>111</sup> "Indian Reservations: San Diego Native Americans: University of San Diego," <http://www.sandiego.edu/nativeamerican/reservations.php>.

current population of Native Americans in San Diego County is 25,324.<sup>112</sup> Each tribe is truly unique from its government structure, to tribal codes, to its enterprises, and we will review a brief description on each tribe within the county. A large number of the tribes in San Diego County are highly successful gaming tribes, with growing levels of political involvement and influence, although this is relatively recent.

### **1. Barona Band of Mission Indians**

The Barona Band of Mission Indians is a federally-recognized Indian tribe. The reservation is located near Lakeside, about 30 miles northeast of San Diego. The reservation is approximately 6,385 acres. The Tribe's economic developments include a waste water treatment plant, construction of 83 new homes for tribal families, Gas Station, AmBience Day Spa, Barona Creek Golf Club, Barona Oaks Steakhouse, Sage Café, Ranch House Buffet, HoWan Noodle Shop, and several other restaurants. The tribe has implemented a Senior Home Improvement Program to rehabilitate senior's homes to acceptable standards including; roofing, handicap accessibility, and septic systems. The Tribal Council is comprised of seven elected members.<sup>113</sup>

### **2. Campo Band of Mission Indians**

The Campo Band of Mission Indians is a federally-recognized Indian tribe. There are two areas included in the Reservation. One is the address for the tribal government which is north of Campo and Cameron Corners. While not a true square, this part of the reservation is roughly one mile across on each side. A second, larger area of the Campo Indian Reservation is located to the east in the area around the community of Live Oak Springs. The south extent of the area is about 0.4 miles north of the Mexican border. The reservation is approximately 15,480 acres. The Tribe's economic developments include The Golden Acorn Casino, the Golden Grill Restaurant, the Del Oro Deli, Campo Materials, and a travel center. The Tribal Council is comprised of 7 elected members.<sup>114</sup>

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<sup>112</sup> "California Native American Heritage Commission," <http://www.nahc.ca.gov/population.html>.

<sup>113</sup> "Barona Band of Mission Indians," <http://www.barona-nsn.gov/?q=government>.

<sup>114</sup> "Campo Kumeayaay Nation," <http://www.campo-nsn.gov/index.html>.

### **3. Capitan Grande Reservation**

The Capitan Grande Reservation is jointly controlled by the Barona Group of Capitan Grande Band of Mission Indians and Viejas Group of Capitan Grande Band of Mission Indians. The reservation is located west of Cuyamaca Peak, and in the middle of the Cleveland National Forest. The closest town is Alpine. The reservation is 15,753 acres and is uninhabited. The reservation is undeveloped and serves as an ecological preserve.<sup>115</sup>

### **4. Ewiiapaayp Reservation**

The Ewiiapaayp Indian Reservation, formerly known as the Cuyapaie, is a federally-recognized Indian tribe. The reservation is located in eastern San Diego County. Two parcels of land form the reservation. The main Ewiiapaayp Reservation is located near Mount Laguna, and 19 miles east of Alpine. No public utilities are available on this parcel. Because of the inaccessibility to the reservation, many Ewiiapaayp families moved and enrolled in other Kumeyaay tribes. The second parcel, known as the Little Ewiiapaayp Indian Reservation, is located within Alpine, which was put into trust in 1986. That land is leased to the Southern Indian Health Council, which provides health care for seven Kumeyaay tribes, as well as non-Natives living in the area. In recent years, 13 people lived in seven houses on the reservation and bred horses. The only access to the reservation is on foot, since it is serviced by a dirt road and gated in several locations. In 1973, two of the five enrolled members lived on the reservation. The reservation is approximately 4,542 acres. The Tribe has determined that commercial economic development is not feasible on the reservation in the Laguna Mountains. The only land the band has developed, and hopes to build a casino on, is the land that is currently in trust in the Community of Alpine. The Tribe has eight enrolled members and they govern themselves.<sup>116</sup>

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<sup>115</sup> "Introduction–Capitan Grande," <http://www.kumeyaay.com/capitan-grande.html>.

<sup>116</sup> "Southern California Tribal Chairman's Association, Ewiiapaayp Band of Kumeyaay Indians," <http://www.sctca.net/ewiiapaayp.html>.

## **5. Inaja-Cosmit Band of Indians**

The Inaja-Cosmit Band of Indians is a federally-recognized Indian tribe. The reservation is located northwest of Lake Cuyamaca, in the eastern part of San Diego County. There are two parcels of rather remote and inaccessible land under the silhouette of Cuyamaca Peak. The reservation is 852 acres. The reservation does not have utility services, nor is there development on the reservation. The tribe has 18 enrolled members.<sup>117</sup>

## **6. Jamul Indian Village**

The Jamul Indian Village is a federally-recognized Indian tribe. The reservation is situated 10 miles southeast of the City of El Cajon, in the community of Jamul. The reservation is approximately six acres. The tribe does not currently have economic developments. The Tribal Council is comprised five elected members.

## **7. La Jolla Band of Luiseno Indians**

The La Jolla Band of Luiseno Indians is a federally-recognized Indian tribe. The reservation is located in Northern San Diego County, along the southern slopes of Mount Palomar. Much of the land is undisturbed and located at the foothills of Palomar Mountain, a semi-wilderness area with the San Luis Rey River running through it. The reservation comprises 9,998 acres. The Tribe's economic developments include the La Jolla Indian Campground. The Tribal Council is comprised of five elected members.<sup>118</sup>

## **8. La Posta Band of Mission Indians**

The La Posta Band of Mission Indians is a federally-recognized Indian tribe. The reservation is located 56 miles east of San Diego and 46 miles west of El Centro in the Laguna Mountains, its southwest corner is bordered by Interstate 8. The reservation comprises 3,471 acres. The Tribe's economic developments include the La Posta Casino. The Tribal Council is comprised of five elected members.

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<sup>117</sup> "Inaja-Cosmit Band of Indians," <http://www.sctca.net/inaja.html>.

<sup>118</sup> "La Jolla Band of Luiseno Indians," <http://www.lajollaindians.com/index.php/history>.

## **9. Los Coyotes Band of Mission Indians**

The Los Coyotes Band of Mission Indians is a federally-recognized Indian tribe. The reservation is located in the hills near Warner's Hot Springs, California, approximately 70 miles from San Diego, sandwiched between the Cleveland National Forest and the Anza-Borrego Desert State Park. The reservation comprises 25,050 acres. The reservation is remote and has extremely mountainous and rugged terrain, with more than 75 percent of its land on slopes exceeding 17 degrees. As a result, the Reservation remains largely undeveloped. The Tribe does not have any economic developments at this time. The Tribal Council is comprised of elected members.<sup>119</sup>

## **10. Manzanita Band of the Kumeyaay Nation**

The Manzanita Band of the Kumeyaay Nation is a federally-recognized Indian tribe. The reservation is located in southeastern San Diego County, about 67 miles east of San Diego on Interstate 8, near the town of Boulevard and in the Carrizo Desert. The reservation comprises 3,580 acres. The Tribe does not have any economic developments at this time. The Tribal Council is comprised of elected members.

## **11. Mesa Grande Band of Mission Indians**

The Mesa Grande Band of Mission Indians is a federally-recognized Indian tribe. The reservation is located in a remote, quiet, and scenic location, high on a group of hills above the forests of Black Canyon (part of Cleveland National Forest). The reservation is comprised of 1,803 acres. The Tribe does not have any economic developments at this time. The Tribal Council is comprised of elected members.

## **12. Pala Band of Mission Indians**

The Pala Band of Mission Indians is a federally-recognized Indian tribe. The reservation is located about 40 miles northeast of San Diego and on the San Luis Rey River. The reservation comprises 12,273 acres. The Tribe's economic developments

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<sup>119</sup> "Barstow Casino and Resort An Economic Opportunity for Two Communities," <http://www.barstowcasinoproject.com/los-coyotes-band/>.

include the Pala Casino Resort & Spa and a 90-acre Pala Avocado Grove. The Tribal Council is comprised of 6 elected members.<sup>120</sup>

### **13. Pauma Band of Luiseno Indians**

The Pauma Band of Luiseno Indians is a federally-recognized Indian tribe. The Pauma Band is historically known as the Pauma Yuima Band of Mission Indians. The reservation is located in the northeastern corner of San Diego County, in the foothills of Mount Palomar about 65 miles from downtown San Diego. The reservation comprises 5,826 acres in four separate tracts. The Tribe's economic developments include Casino Pauma. The Tribal Council is comprised of 4 elected members.<sup>121</sup>

### **14. Rincon Band of Luiseno Indians**

The Rincon Band of Luiseno Indians is a federally-recognized Indian tribe. The reservation is located in the northeastern corner of San Diego County, along the San Luis Rey River. The reservation comprises 3,918 acres. The Tribe's economic developments include Harrah's Rincon Hotel and Casino, a 7-Eleven minimart, a Shell gas station, and a Subway restaurant. The Rincon Indian Reservation is also home to Indian Health Council, Inc., Inter-Tribal Court of Southern California, and the Inter-Tribal Long Term Recovery Foundation. The Tribal Council is comprised of 6 elected members.<sup>122</sup>

### **15. San Pasqual Band of Diegueno Mission Indians**

The San Pasqual Band of Diegueno Mission Indians is a federally-recognized Indian tribe. The reservation is located About 40 miles north of San Diego and 12 miles from Escondido, adjoining the community of Valley Center. The reservation comprises 1,412 acres in non-contiguous tracts. The Tribe's economic developments include Valley View Casino & Hotel. The Tribal Council is comprised of five elected members.<sup>123</sup>

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<sup>120</sup> "Pala Band of Mission Indians," <http://www.palatribes.com/about>.

<sup>121</sup> "First People in Pauma Valley Pauma Band of Luiseno Indians," <http://www.paumatribes.com/index.php>.

<sup>122</sup> "Rincon Band of Luiseno Indians," <http://rinconmembers.net/>.

<sup>123</sup> "San Pasqual Band of Diegueno Mission Indians of California," <http://www.sanpasqualtribes.com/>.

## **16. Iipay Nation of Santa Ysabel**

Iipay Nation of Santa Ysabel is also known as Santa Ysabel Band of Diegueno Indians. Iipay Nation is a federally-recognized Indian tribe. The reservation is located near the mountain towns of Santa Ysabel and Julian. The reservation comprises 15,270 acres. The Tribe's economic developments include Santa Ysabel Resort and Casino, Orchard restaurant, and the Seven Oaks Bar and Grill. The Tribal Council is comprised of elected members.

## **17. Sycuan Band of the Kumeyaay Nation**

The Sycuan Band of the Kumeyaay Nation is a federally-recognized Indian tribe. The reservation is located About 20 miles from San Diego and 6 miles from El Cajon, between Interstate 8 and State Highway 94. The reservation comprises 632 acres. The Tribe's economic developments include Sycuan Casino, Sycuan Golf Resort, U.S. Grant Hotel, and Sycuan Capital Management. The Tribal Council is comprised of seven elected members.<sup>124</sup>

## **18. Viejas Band of Kumeyaay Indians**

The Viejas Band of Kumeyaay Indians is a federally-recognized Indian tribe. The reservation is located in the Viejas Valley, east of the community of Alpine and 30 miles north of the Mexican border. The reservation comprises 1,600 acres. The Tribe's economic developments include Viejas Casino, Viejas Outlets, Viejas Entertainment and Production, Borrego Springs Bank, Three Fires LLC, and the Ma-Tar-Awa Recreational Vehicle Park. The Tribal Council is comprised of seven elected members.<sup>125</sup>

## **I. CHALLENGES**

Riverside and San Diego counties are both home to many critical infrastructure (CI) facilities, including: airports, colleges, dams, schools, fire and police stations,

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<sup>124</sup> "Sycuan Band of Kumeyaay Nation Tribal Timeline," <http://sycuantribe.org/our-heritage/sycuan-tribal-timeline/>.

<sup>125</sup> "Viejas a Sovereign Nation," <http://www.viejasbandofkumeyaay.org/html/enterprises/enterprises.html>.



government buildings, highways, hospitals, waste management sites, shelters, reservoirs/water tanks, historical sites, emergency operations centers, casinos, rail facilities, and oil and natural gas pipelines.

With the amount of critical infrastructure facilities and tribes in the counties, it is crucial that PL 280 works seamlessly and that an incident can be run under unified command with all stakeholders involved. An incident can range from a criminal matter to a wildland fire, and operating under unified command, means authority of the incident is the responsibility of more than one agency. Unified command is one way to share incident management. Riverside County not only has multiple types of critical facilities but it is also filled with varying land use policies and development trends. It “is a mosaic [of] varying types of uses, ownership, character, and intensity.”<sup>126</sup> For tribes, collaboration means operating under a unified command (UC) on incidents in a PL 280 state. In order to develop an integrated response team, operating under unified command is an essential part of incident management. “Members of the UC work together to develop a common set of incident objectives and strategies, share information, maximize the use of available resources, and enhance the efficiency of the individual response organizations.”<sup>127</sup>

## **J. SUMMARY**

This chapter outlined the historical relationships between the tribes and law enforcement, what has been done to alleviate the tension, and discussed demographics of each county surveyed. The chapter provided a detailed description for each tribe within the counties, allowing the reader to understand the complexity of the agencies. Finally, the chapter identified the challenges both counties face with the amount of critical infrastructure facilities, and the impact that a lack of collaboration can have.

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<sup>126</sup> Ibid.

<sup>127</sup> “United States Department of Labor, What is a Unified Command?”  
[http://www.osha.gov/SLTC/etools/ics/what\\_is\\_uc.html](http://www.osha.gov/SLTC/etools/ics/what_is_uc.html).

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## **VII. FINDINGS, INTERPRETATIONS, AND DISCUSSION**

### **A. RESULTS**

The survey, *Anonymous California Public Law 83-280*, ran for a total of 15 days and generated 81 responses. Out of the 81 responses, 63 of them were completed in full, and 18 of them were completed partially, giving a completion rate of 77.8 percent, and overall, a very high response rate. The survey was broken down into five sections: Demographics, Collaboration/Partnerships, Knowledge/Familiarity, Compliance With The Law, Law Enforcement Effectiveness/Impacts, Cultural Competence, Education/Training, and Next Steps. The survey was analyzed based on tribal versus non-tribal responses, TLU versus non TLU, tribal agencies with response agencies versus tribal agencies without, and correlation of responses to different questions.

#### **1. Question 1**

“Please indicate your affiliation (may choose more than one); Tribal Government, Public Sector, Tribal Elected Official, State or Local Elected Official, Law Enforcement: tribal/public, Fire: tribal/public, EMS: tribal/public, Emergency Manager: tribal/public.”

The results indicate that 0 percent was state or local elected officials, and that approximately 60 percent worked in some form of tribal agency. Approximately 40 percent of respondents represented a local jurisdiction. For the purposes of this question the author is only identifying two demographic groups: tribal and local government. For hypothesis testing and circumstantial verification, some of the latter questions will be viewed by discipline area (see Figure 1).

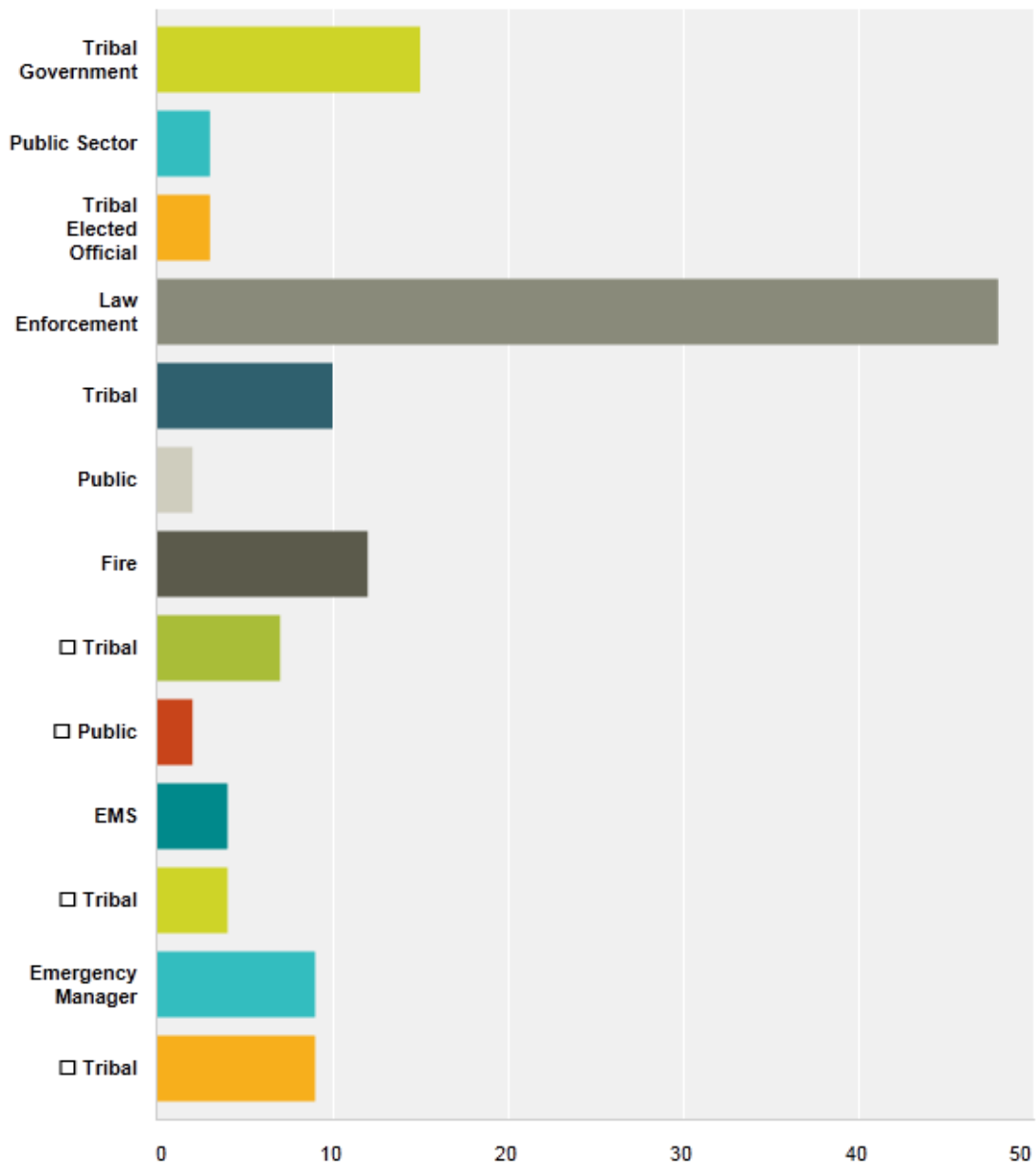


Figure 1. Agency Affiliation

## 2. Question 2

“Does your County have a Tribal Liaison Unit; Yes/No/Unknown.” Question 2 was intended to identify which County the respondent is representing. The assumption was that if the answer was a yes then they were in Riverside County (as they have a TLU) and if they said no that they were in San Diego County (which does not have a TLU).

The unknown was not expected to accumulate any responses. The results indicate that 76.25 percent have a TLU, 12.50 percent do not have a TLU, and that 11.25 percent do not know whether they have a TLU. The author did not expect that respondents would not know whether their County had a TLU. This identified a lack of communication and education to the Tribal communities on the part of the Sheriff's department. With 76.25 percent of the respondents indicating they have a TLU, the majority of responses appear to be from Riverside County (see Figure 2).

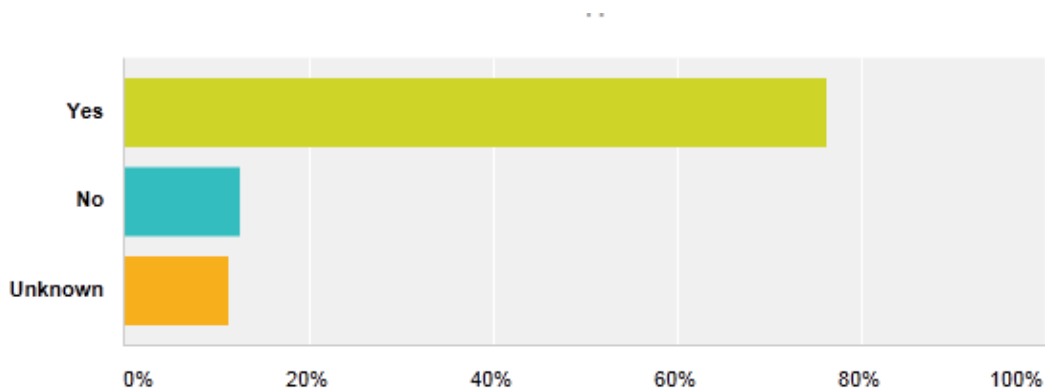


Figure 2. Does your county have a Tribal Liaison Unit?

### 3. Question 3

“If you represent the Tribal sector, does the tribe have their own; Fire Department, Police Department, EMS Department, Emergency Management Department, None of the Above, Not Tribal Sector.” Question 3 was intended to elicit information in order to be able to determine whether a tribal agency having their own public safety department impacts the relationship. The results indicate that 31.08 percent have a Fire department, 17.57 percent have a police department, 16.22 percent have an EMS department, and 22.97 percent have an emergency management department. Additionally, 16.22 percent do not have any departments and 37.84 percent represented the public sector. Of the 60 percent of tribal respondents, 85 percent of them have some form of Tribal public safety department (see Figure 3). Of the respondents that answered

yes, 53 agencies have some form of their own tribal public safety. Eight responded with a no and eight responded with an unknown.

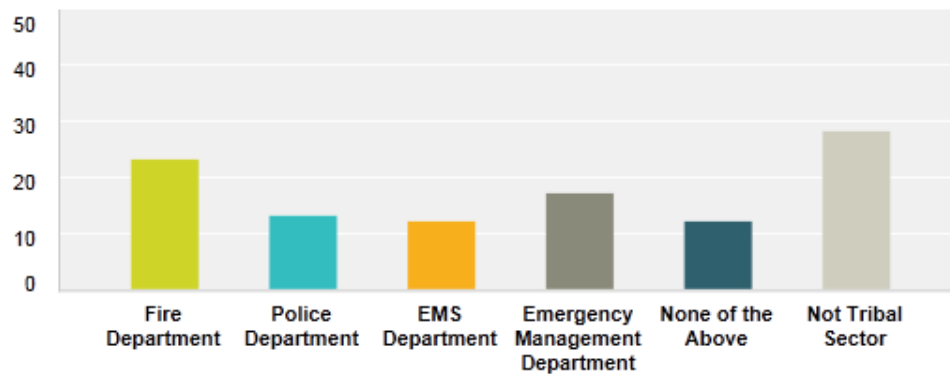


Figure 3. Representation of Tribes with different types of agencies

#### 4. Question 4

“In your jurisdiction, what is the relationship between the local law enforcement agency and the Tribe; Good/Bad/Non-Existent.” Question 4 was intended to determine what the feeling is of the stakeholders in regards to the existing relationships and to compare whether local jurisdictions and the tribes had conflicting opinions of the relationships. 95.89 percent of respondents stated that they had a good relationship, 1.37 percent stated that they had a bad relationship, and 2.74 percent indicated that the relationship is non-existent. The three respondents who indicated the relationship was either bad or non-existent, were from a Tribe without any public safety departments, public sector, and a local fire department. The same respondents indicated that they did not know whether they had a TLU. This indicates that the relationships are good in the areas that have identified that they have a TLU or that the people who believe the relationships are good are more likely to respond to the survey (see Figure 4).

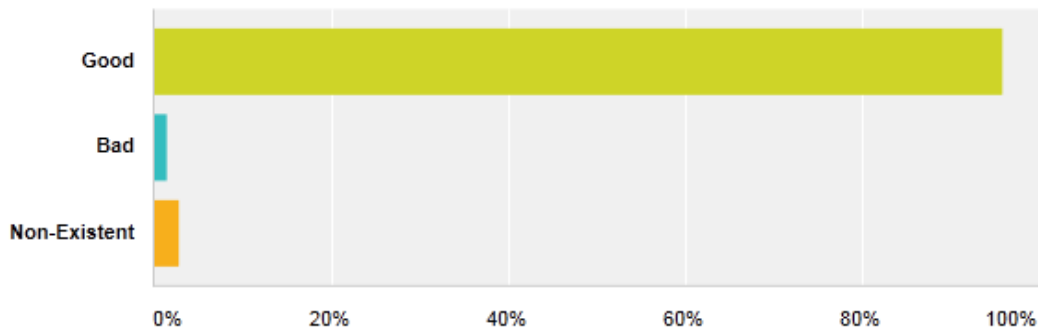


Figure 4. What is the relationship between local law enforcement agencies and the Tribes?

## 5. Question 5

“Does the Tribe communicate with the District Attorney’s (DA) Office and state courts; Yes/No/Unknown.” Question 5 was intended to identify whether the DA has a relationship and is having discussions with the tribes when cases arise. The author expected crime on the reservation to directly correlate with communication between the DA’s office and the Tribes. 51.35 percent of respondents indicated that they communicate with the DA’s office, 13.51 percent indicated that they do not, and surprisingly 35.14 percent of respondents stated that they did not know. Of the 35.14 percent who did not know, 74 percent also did not know whether they had a TLU. Of the 13.51 percent that indicated they did not communicate with the DA office, 74 percent of them stated that they do not have a TLU. The same group of people also indicated that they do not know what their relationship is with the local public safety department, or do not have one at all (see Figure 5).

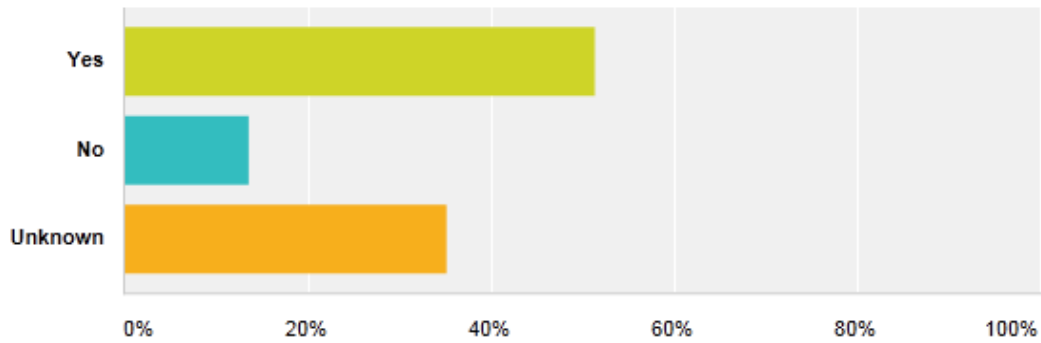


Figure 5. Does the Tribe communicate with the DA's office and state courts?

## 6. Question 6

“Does the Tribe have a working relationship with the local PD; Yes/No.” Question 6 was intended to identify whether there is a working relationship between the tribe and PD. The question is a reworded version of question four but differentiates county police and city police. 94.59 percent of respondents indicated that they have a relationship and 5.41 percent indicated that they do not. The author expected that the responses to question 4 would correlate showing that those with a TLU have a working relationship with PD. Additionally, 75 percent indicated that they have a TLU and 25 percent indicated that they do not. None of them indicated that they were unsure. Of the respondents who indicated “yes,” 62 percent of responders were law enforcement (see Figure 6).

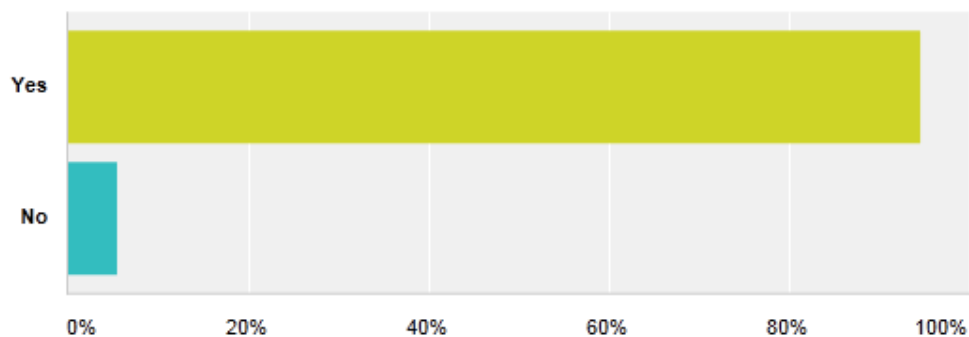


Figure 6. Does the Tribe have a working relationship with local PD?



## 7. Question 7

“Does the Tribe get invited to operational area meetings within the county: Yes/No/Unknown.” Question 7 was intended to determine whether the tribes are being included. 15.07 percent said that they are not, and 31.51 percent stated that they do not know. Of the 56 percent who are being invited, 81 percent of them have a TLU and 100 percent state they have a good relationship. The participation is spread evenly among disciplines as well (see Figure 7).

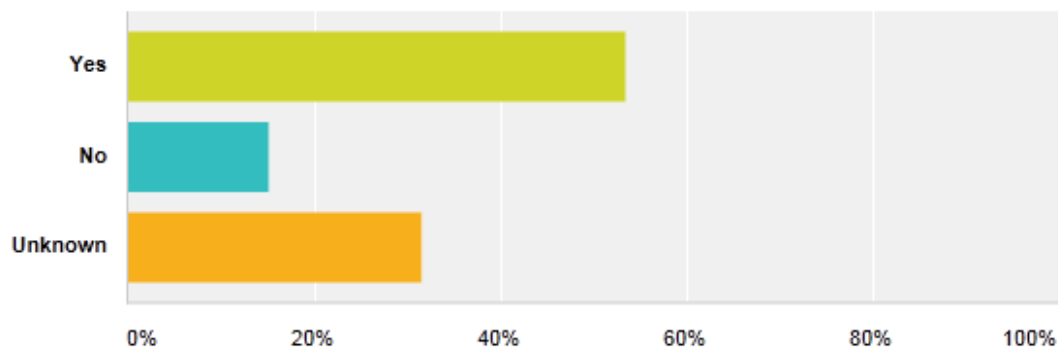


Figure 7. Does the Tribe get invited to operational area meetings within the county?

## 8. Question 8

“Does the Tribe operate under unified command on joint incidents; Yes/No.” question 8 was to determine whether the agencies are respecting the tribe’s right to operate on the incident and have a voice in the decisions. The results indicate that 58.11 percent are operating under unified command and that 41.89 percent are not. Of the 58 percent that are operating under unified command 52 percent have a TLU and 47 percent do not. Of the 41.89 percent that are not operating under unified command, 54.55 percent do not have their own public safety departments. This indicates that Tribes are beginning to take an active role in incidents on the reservation (see Figure 8).

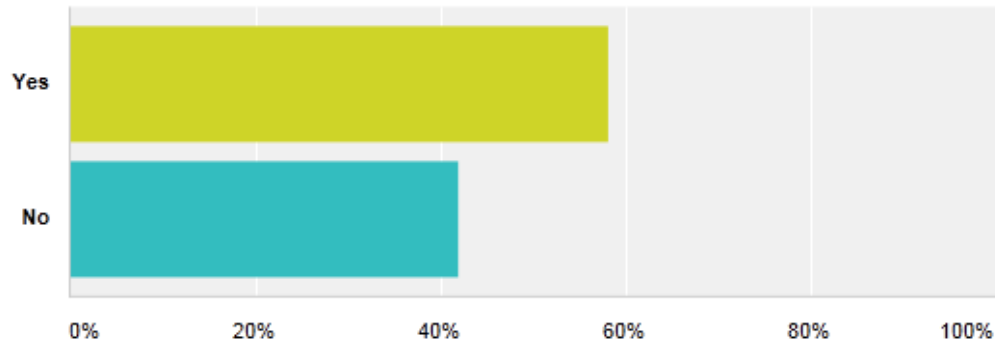


Figure 8. Unified command on joint incidents

### 9. Question 9

“Is there an assigned tribal liaison at the local jurisdiction (not County, but local Police); Yes/No/Unknown.” Question 9 was intended to determine if the police departments have station staff acting as the liaison to the tribe and if they know that. The expectation was that the tribes with a TLU would say yes and the tribes without a unit would say no or unknown. The results indicate that 48.65 percent have an assigned tribal liaison, 31.08 percent do not, and 20.27 percent are unsure. 75 percent of the respondents who answered yes are in a location with a TLU (see Figure 9).

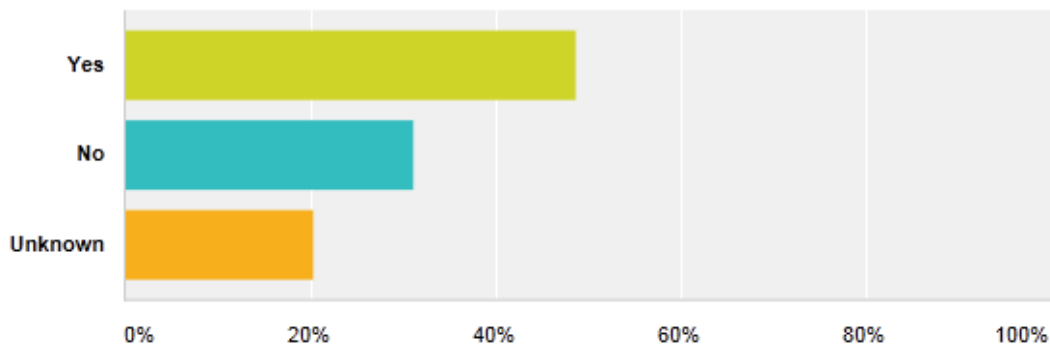


Figure 9. Is there an assigned tribal liaison at the local jurisdiction (not County, but local PD)?

## 10. Question 10

“Is there a casino tribal liaison: Yes/No/Unknown.” Question 10 was intended to determine if the casinos have and know their tribal liaison. The results indicate that 56.94 percent have a casino liaison, 26.39 percent do not, and 16.67 percent do not know. Of the 56.94 percent who have a casino liaison, 63 percent of them have a TLU and 85 percent of them have a liaison at the local jurisdiction. Additionally, 74 percent of respondents who answered yes indicate that they know their duties. The interesting factor here was that although 56.94 percent have a liaison, 62.26 percent indicate that the reservation is being utilized to evade police and 62.96 percent state that the reservation is being used to conduct criminal activity. The same 56.94 percent indicate that law enforcement is being proactive on the reservation (see Figure 10).

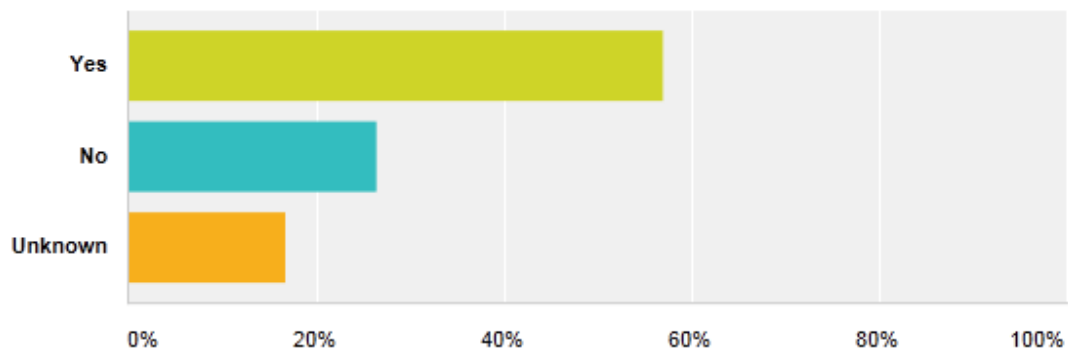


Figure 10. Is there a casino tribal liaison?

## 11. Question 11

“If there is a Tribal Liaison, do you know their mission and duties; Yes/No/Not Applicable.” Question 11 was intended to determine the knowledge and communication level for those agencies working with a tribal liaison. The expectation was that people who have a liaison are utilizing them and know their duties. The results indicate that 47.95 percent know their mission and duties, 32.88 percent do not know, and 19.18 percent are not applicable meaning either they do not have a casino or do not have a casino liaison (see Figure 11).

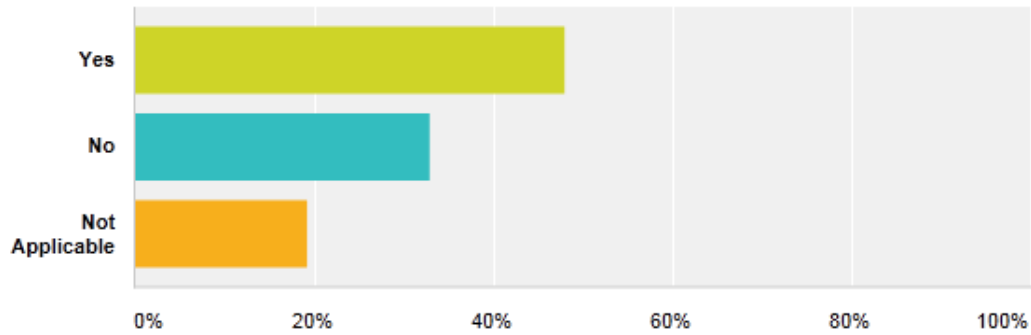


Figure 11. Does respondent know tribal liaison's missions and duties?

## 12. Question 12

“Please explain Public Law 83-280 in your own words?” This question was an essay question that allowed respondents to write in their own answer or skip to the next question. Question 12 was designed to ascertain the knowledge level of the respondents taking the survey. The expectation was that the group that was selected to take the survey should have a basic knowledge and understanding of what PL 280 is, but would not be able to articulate it in a sentence or two. This information will assist in forming training if the law is misunderstood and/or requires clarification. The majority of respondents had a general idea of what PL 280 is, as in the following:

PL 280 was their feds way of shifting the policing of reservation off their backs and putting it on to local agencies. PL 280 was not brought to the Tribes but forced upon them; not allowing them to manage the issues themselves, thus ignoring their sovereignty. This provides a very basic understanding of the law and a good example of the majority of the responses.

Local Law Enforcement has the right to enter tribal lands for the purpose of enforcing the law. That is to say at any other time the agency must ask permission to enter tribal lands. Tribal lands are not part of an assigned patrol area unless asked and approved by the tribal government.” This provides a clear indication of a misunderstanding. The local jurisdictions do not have to ask permission to enter the reservation or gain approval from the tribal government in a PL 280 state if the entry point is a publicly accessible area.

The full text of all the answers is located in Appendix B.

Figure 12 shows a “word cloud”<sup>128</sup> representing the responses to question 12. Fifty-four respondents entered a response. The answers pertain directly to their insight to and perception of the meaning of the law. The cloud indicates which words appear more often across the respondents written statements. The more frequently the words appear within the responses the larger text is within the cloud. The words most frequently appearing are: reservation, tribal lands, local law enforcement, enforce criminal, tribes, Indian, government, and responsibility, in that order (see Figure 12).



Figure 12. Word Cloud showing most frequently used words in explaining PL 280

In comparing data for questions 1–12, survey analysis shows a significant variation between the participants who answered questions 1–11, compared to question 12. This variation reveals that survey participants were presented with a question they felt less comfortable with, or felt less knowledgeable about answering. The word cloud identifies that respondents understand the general idea: authority to enforce criminal jurisdiction on the reservation.

Thirty-three percent of survey participants failed to answer this question. Figure 13 shows the significant jump in those who skipped this question compared to questions 1–11.

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<sup>128</sup> Word cloud: A visual depiction of user-generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

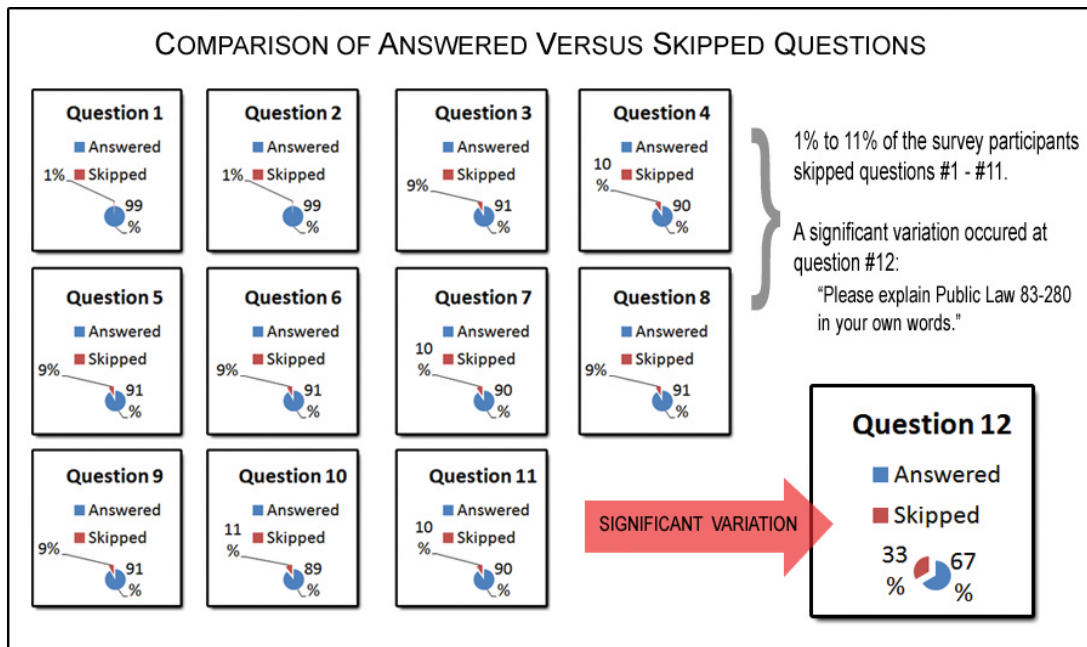


Figure 13. Shows significant jump in those that skipped this question compared to other questions

Being prepared to answer this question is foundational for those who live in and/or work for tribal communities. The hesitation to explain, in their own words, what Public Law 83-280 (PL 280) is suggests many survey participants lack a solid understanding of this law and/or are uncomfortable answering survey questions. These participants represent a broad sampling of tribal and non-tribal individuals who work and interact with tribal communities. According to the analysis, training on PL 280 is an identified need.

### 13. Question 13

"In your opinion, are the intentions of the law clearly stated; Yes/No." Question 13 was intended to determine stakeholders' ability to understand what the law means. The expectation was that the majority of stakeholders may know that the law exists but that the law is not clear in its intentions. The author's assumption is that the verbiage in the law confuses people. The results indicate that the opinion of stakeholders is evenly split. Fifty percent of respondents think that the intentions are clearly stated and 50 percent think that they are not. Of the 50 percent who indicated "yes,," 78.57 percent

believe that local law enforcement understands what was authorized (question 14) and 21.43 percent think that they do not. Of the 50 percent who indicated “yes,” 72 percent were law enforcement (see Figure 14).

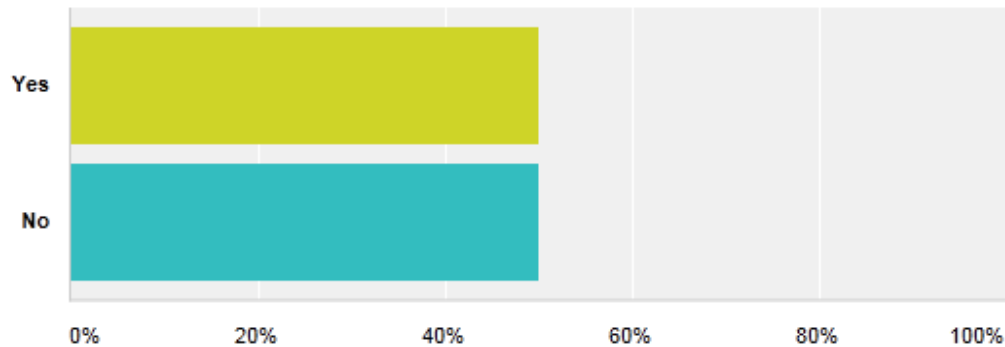


Figure 14. In the respondents opinion, is the law clearly stated?

#### 14. Question 14

“In your opinion, does state and/or local law enforcement understand what Public Law 83-280 authorized; Yes/No.” Question 14 was intended to determine the knowledge level for those agencies working within a PL 280 jurisdiction. The expectation was that there are officers responding to calls on the reservation and not understanding what their responsibilities are. Examples of this would be an officer stating that they do not have jurisdiction because it is the reservation, or an officer citing someone for a handicap parking violation. The results indicate that the majority of respondents do not feel that state and/or local law enforcement understand what PL 280 authorized. 42.42 percent felt that they understand and 57.58 percent did not. Of the 57.58 percent that state law enforcement does not understand what was authorized, 72.97 percent of them are in a county with a TLU and the majority of those respondents (24.32 percent) were non-tribal law enforcement. This indicates inconsistent understanding or agreement on what the law says. Such an inconsistency could be addressed through mandatory training (see Figure 15).

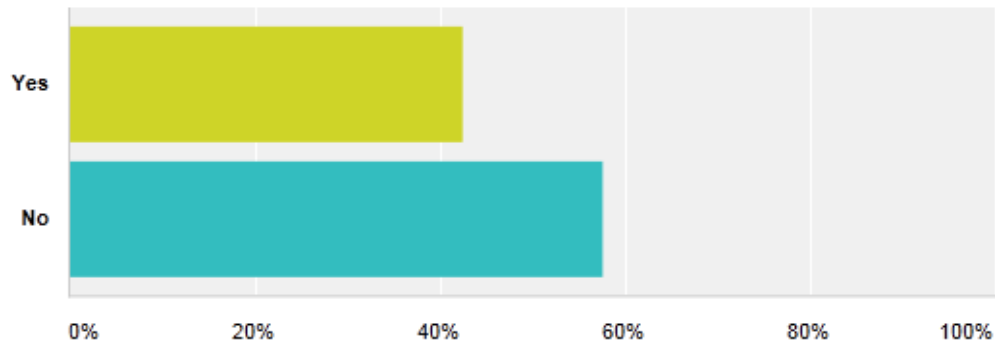


Figure 15. Does state/local law enforcement understand what the PL 280 authorized?

Analysis of the responses to questions 13–14 indicates the need for training on PL 280. It would be expected that survey participants who answered “yes” to question 13 would also answer “yes” to question 14. However, a smaller percentage of those who believe PL 280’s intentions are clearly stated, believe state/local law enforcement understand what PL 280 authorized.

This variance reveals that, of the 50 percent of survey participants who are of the opinion that PL 280’s legal intentions are clearly stated, only 42.4 percent believe state/local law enforcement personnel understand the law’s scope of authority. From this analysis, it can be asked: *Is there a level of ignorance or misapplication of PL 280 by state/local law enforcement personnel?*

## 15. Question 15

“Are there laws in your jurisdiction that apply to reservations only; Yes/No/Unknown.” Question 15 was intended to be an obvious question with the answer being yes. This question was asked to determine whether the stakeholders understand that PL 280 applies only to the reservations. The results indicate that 32.31 percent of respondents understand, and that 30.77 percent do not think there are laws that apply to reservations only. Additionally, 36.92 percent were unsure. Of the 30.77 percent that indicated there are not laws that apply specifically to reservations, 79.17 percent of the respondents were law enforcement. Of the 36.92 percent that were unsure, 43.24 percent of them were law enforcement. 83.33 percent of those respondents indicated they are



unsure if they have a TLU. This question may have confused respondents, they may not have been thinking about federal laws such as PL 280 (see Figure 16).

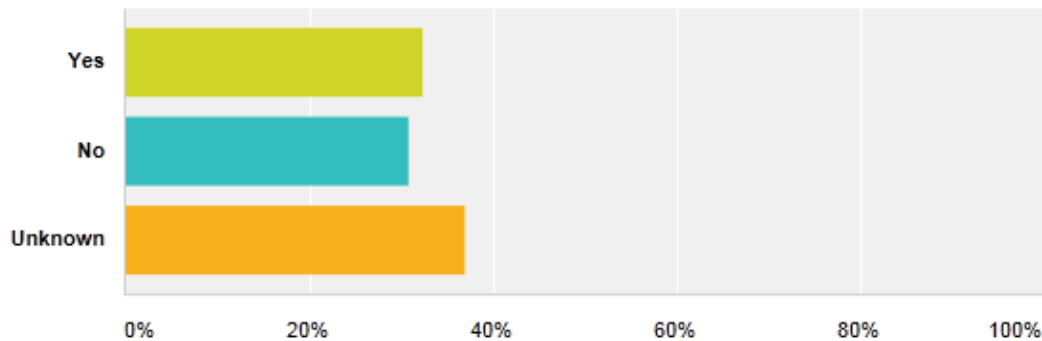


Figure 16. Are there laws in your jurisdiction that apply to the reservation only?

## 16. Question 16

“In your experience, what is the familiarity or awareness of law enforcement with Public Law 83-280; Low/Adequate/High. Can you give some examples?” This question was a multiple choice with an essay question, allowing respondents to give specific examples. Question 16 was designed to ascertain specific examples from respondents taking the survey. The expectation was that there would be a mixed opinion on this, and that specific examples would provide the author more data to create a solution. Additionally, 56.45 percent of respondents felt that the familiarity level was low, 35.48 percent felt it was adequate and 8.06 percent felt that it was high. Of the 56.45 percent that stated it was low, 55.88 percent of the respondents were law enforcement. With the number of tribes in the two counties, the author believes that everyone should feel that the awareness and familiarity levels should be adequate or high. This question indicates a need for more education and collaborative partnerships. The general response was regarding more training and education, as in the following:

Some local LEO's are not even aware that the reservation is there and what if any powers they have or restrictions that exist...in other words they treat the reservation like any other part of the sector or ignore it all together.

Most of my co-workers have heard of it, but still do not understand it. It needs to be put in basic, simple terminology.

Law enforcement is aware of Public Law 83-280 but since not all departments deal with it regularly and staff is regularly promoted and/or transferred, there is a need for constant training.

Most state law enforcement on reservations is clear to the local deputies but there have been incidents where enforcement was unclear. The deputies have felt that if Tribal LE are writing a citation into Tribal Court then it is double jeopardy for them to enforce by arrest or cite a similar state law. Tribal law enforcement often misunderstand deputies' workloads and have on occasion interfered in a state case because they did not communicate or made assumptions about local enforcement efforts. Most issues are based on communication and/or lack of. Continuing effort needs to be made to enhance relationships and erase preconceptions and misunderstandings.

Figure 17 shows a “word cloud”<sup>129</sup> representing the responses to question 16. Thirty-four respondents entered a response. The answers pertain directly to their insight and perception as to familiarity and awareness levels of law enforcement in relation to PL 280. The words most frequently appearing are: law enforcement, jurisdiction, local, and land, in that order (see Figure 17).



Figure 17. Word Cloud showing most frequently used words to explain the familiarity or awareness of law enforcement with PL 280

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<sup>129</sup> Word cloud: A visual depiction of user generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

### 17. Question 17

“In your jurisdiction, is Public Law 83-280 being complied with by law enforcement; Yes/No.” Question 17 was intended to determine whether there is lawlessness occurring on the law enforcement side. This question was asked to determine whether the training being offered is effective. The results indicate that 90.48 percent of respondents believe that the law is being complied with and 9.52 percent believe that it is not. Although there is compliance of PL 280, remarks to Question #36, “Is there something specific you would like to see to improve Public Law 83-280?” indicates dissatisfaction with the law and its application (see Figure 18).

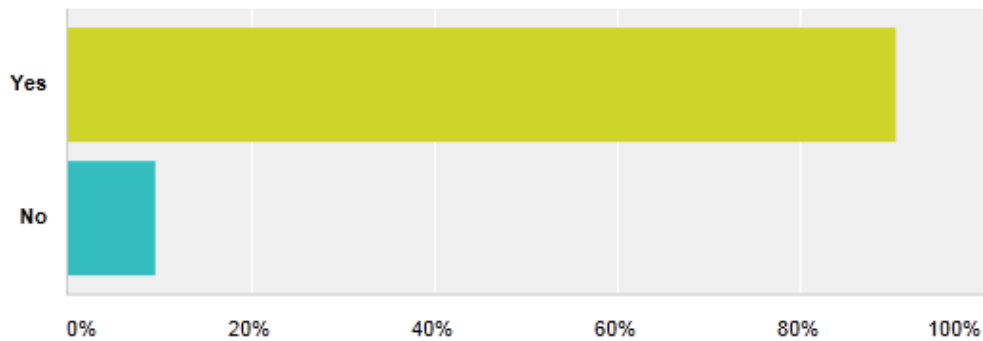


Figure 18. Is PL 280 being complied with by law enforcement?

### 18. Question 18

“Is there a process in place at the federal level to evaluate the effectiveness of Public Law 83-280; Yes/No/Unknown.” Question 18 was intended to be an obvious question with the answer being no. This question was asked to determine whether the stakeholders know that there is not a process in place to determine whether PL 280 is or is not working. The results indicate that 9.23 percent of respondents know of a process that does not exist, 24.62 percent know that it does not exist, and 66.15 percent are unsure if it exists. This question indicates the need for more training and a process to be put in place to evaluate the effectiveness (see Figure 19).

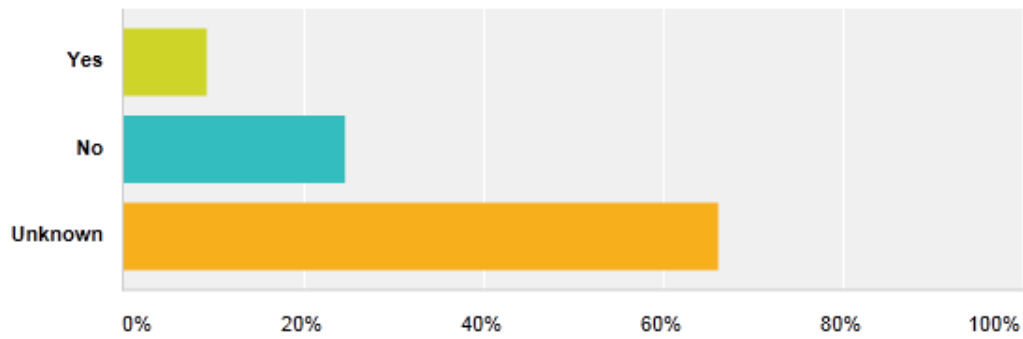


Figure 19. Is there a process in place at the federal level to evaluate the effectiveness of PL 280?

### 19. Question 19

“Is there a process in place at the state level to evaluate the effectiveness of Public Law 83-280; Yes/No/Unknown.” Question 19 was also intended to be an obvious question with the answer being no. This question was asked to determine whether the stakeholders know that there is not a process in place to determine whether PL 280 is or isn’t working. The results indicate that 7.69 percent of respondents know of a process that does not exist, 24.62 percent know that it does not exist, and 67.69 percent are unsure if it exists. This question indicates the need for more training and a process to be put in place to evaluate the effectiveness at the state level (see Figure 20).

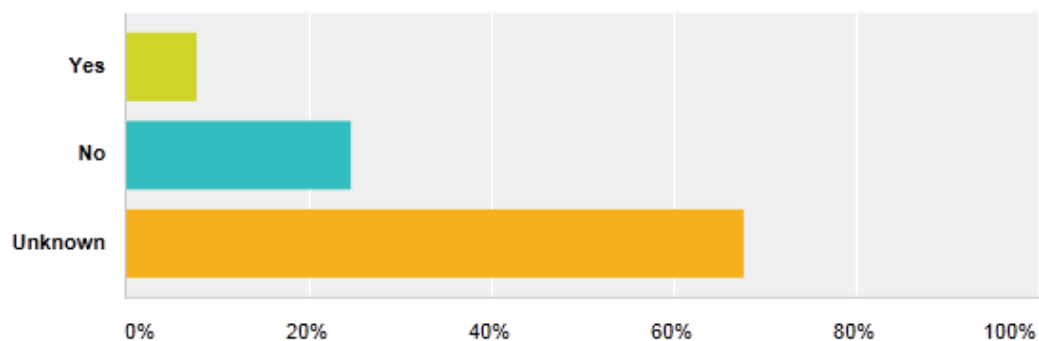


Figure 20. Is there a process in place at the state level to evaluate the effectiveness of PL 280?

## 20. Question 20

“To your knowledge, has the local jurisdiction refused to respond to the reservation for a call; Yes/No/Unknown. If yes, can you provide the scenario?” This question was a multiple choice with an essay question allowing respondents to give specific examples. Question 20 was designed to ascertain specific examples from respondents taking the survey. This question in particular, is a topic that comes up repeatedly in the author’s region. The author’s perception is that the police departments deny that this is occurring and the tribes insist that it is. The expectation was that there are times when this has occurred and specific examples would provide the author more data to create a solution. 23.08 percent of respondents said yes, 70.77 percent said no, and 6.15 percent were unsure. Of the respondents who indicated “yes,” 50 percent were tribal. Of the respondents who indicated “no,” 80 percent were law enforcement. This question indicates a need for more education, community policing, and relationship building along with a protocol to evaluate the law and how it is working. The difficulty is not knowing how long ago these situations occurred. Following were some of the respondents’ concerns:

Slow or lack of response; called for crime involving tribal member against a tribal member when police were slow to respond; incident where crime committed by non-tribal member off reservation shooting at non tribal members on reservation for official business. Law enforcement was late to respond, refused to take the statement of the on reservation victim, refused to write a report, refused to apprehend the perpetrator when identified by victims.

There have been several instances where Indio PD and RSO have debated amongst themselves over what areas they have jurisdiction over. One call in particular was in the North lot which is Indio PD. CBMI public safety had made contact with a reported stolen vehicle. The IPD officer arrived looked at the situation did not get out of his car and left the scene.

Although there were a few negatives, responses to question 20 were essentially positive, especially considering the fact that about 60 percent of the survey participants were representatives of tribal communities. These positive responses are also seen in 24 concerning response times. Analysis of these two questions indicates that *lack of response* or *slow response*, are not currently major issues for tribal communities. This is

significant, since the slow economy in recent years has impacted the personnel levels for state/local law enforcement. This data will be helpful for law enforcement to see that circumstances beyond their control have not created major issues with the tribal communities. Those things that can be controlled or improved (e.g., training, resources, professionalism), are areas identified by survey participants.

Figure 21 shows a “word cloud”<sup>130</sup> representing essay responses to question 20. Eleven respondents entered a response. The answers pertain directly to their experience with refusal to respond on the reservation. The words most frequently appearing are: calls, reservation, instances, and jurisdiction, in that order (see Figure 21).



Figure 21. Word Cloud showing most frequently used words by respondents in answering question 20 in the survey

## 21. Question 21

“Has Public Law 83-280 impacted reservations; Yes/No/Unknown. If yes, how?” This question was a multiple choice with an essay question allowing respondents to give specific examples. Question 21 was designed to ascertain specific examples from respondents taking the survey. This question in particular, was meant to elicit the stakeholder’s view of what the impacts are to the reservations. The expectation was that the majority of stakeholders feel that PL 280 has had negative impacts to the reservation. 46.88 percent of respondents said yes there are impacts, 4.69 percent said no, and 48.44 percent were unsure. Following are a few concerns:

There is some confusion as to the role of law enforcement and its relationship with the reservation.

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<sup>130</sup> Word cloud: A visual depiction of user generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

It has forced tribes to become dependent on law enforcement to do their job and follow the law and when they do not, it gives criminals the idea that they can flee to the reservations because no one will [do] anything to them out there.

It has strengthened relationships while revealing to tribal governments they need to be not just self-governing, but also self-regulating.

It has created a system where a community of a different culture has been forced to be served by a “foreign” law enforcement jurisdiction. State law enforcement officers have been forced to serve an Indian Nation, without being taught the limits of the law, the cultural and historic differences of a tribal community, and the distinct difference between an Indian reservation and the rest of the state.

Figure 22 shows a “word cloud”<sup>131</sup> representing responses to question 21. Twenty-eight respondents entered a response. The answers pertain directly to their experience and personal views. The words most frequently appearing are: tribal, reservation, law enforcement, and local, in that order (see Figure 22).



Figure 22. Word Cloud showing the most frequently used words in answering question 21

## 22. Question 22

“Does your agency receive any funding or reimbursement for services rendered under Public Law 83-280; Yes/No.” Question 22 was also intended to be an obvious question with the answer being no.<sup>132</sup> This question was asked to determine whether the stakeholders know that PL 280 was an unfunded mandate and without contracts in place

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<sup>131</sup> Word cloud: A visual depiction of user generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

<sup>132</sup> It is possible that some tribes were thinking that the money they receive from United States Department of Justice to support tribal courts, such as the Intertribal Court of Southern California, counts as such funding.

specifying additional services for a fee there is not an avenue to pursue reimbursement for services rendered. The results indicate that 22.2 percent of respondents state that they receive funding or reimbursement, and 77.78 percent do not. Of the 22 percent that indicated they receive funding, 61.11 percent of respondents were law enforcement. The assumption here is that the law enforcement are referring to contracts as receiving reimbursement (see Figure 23).

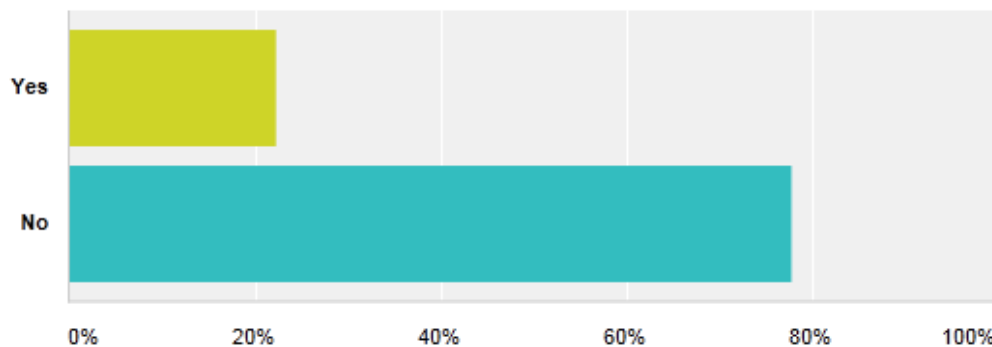


Figure 23. Does the agency receive any funding or reimbursement for services rendered under PL 280?

### 23. Question 23

“Does concurrent state and Tribal jurisdiction exist; Yes/No.” Question 23 was also intended to be an obvious question with the answer being yes. This question was asked to determine whether the stakeholders know that concurrent jurisdiction exists. The expectation was that this would be a mixed response, although it should be common knowledge. The results indicate that 63.5 percent of respondents know it exists and 36.5 percent do not know that it exists. In this case, 60 percent of the respondents who indicated concurrent jurisdiction does not exist were law enforcement. This question indicates the need for more training (see Figure 24).



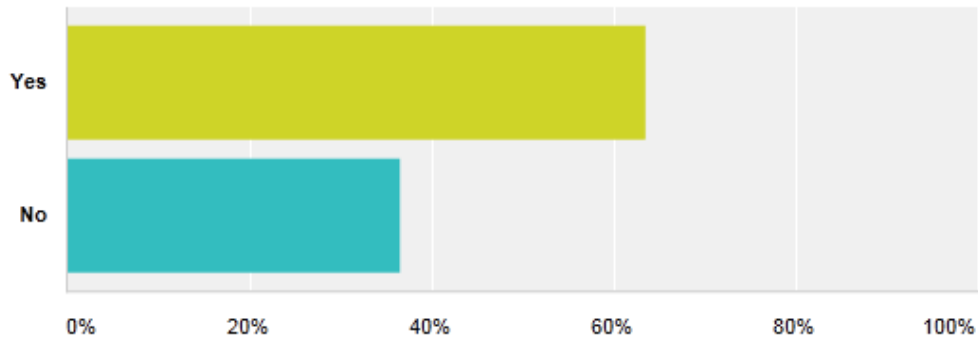


Figure 24. Responses to whether concurrent state and Tribal jurisdiction exist

## 24. Question 24

“In your opinion, are response times satisfactory; Yes/No.” Question 24 was asked to elicit the opinion of stakeholders as to whether or not the response times to the reservations are satisfactory. Historically, response times could take days. The expectation was that this would be a mixed response; although the majority should agree that response times are satisfactory there are many reservations that are located in isolated areas and may not have a patrol car assigned to the area. The results indicate that 62.9 percent agree that response times are satisfactory and 37.1 percent state that they are unsatisfactory. Of the 62.9 percent, 60 percent come from a county with a TLU. This question indicates the need for more discussion on how to fill the gap. Although the majority is satisfied, 37.1 percent of unsatisfied is a number that cannot be ignored (see Figure 25).

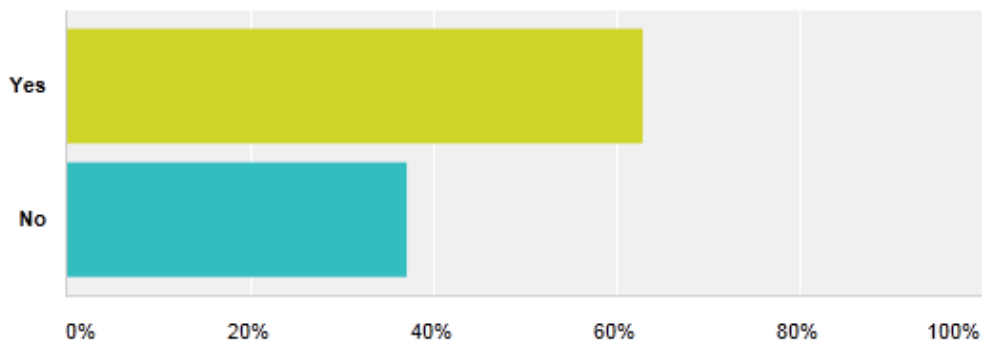


Figure 25. Do respondents believe response times are satisfactory?

## 25. Question 25

“In your opinion, do criminals utilize the reservation in an attempt to evade police; Yes/No.” Question 25 was asked to determine whether the stakeholders think the reservation is being utilized to evade police. Historically criminals have used the reservations as a pass through or hideout because they believe the local jurisdictions do not have jurisdiction on the reservation. The expectation was that this would be a mixed response, but a bit higher on the yes side. The results indicate that 87.30 percent of respondents think that the criminals use the reservation to evade police, and 12.70 percent think that they do not. The response was very surprising, although the expectation was to see the majority on the yes side, 87.30 percent is a very high number. This question indicates the need for improved relationships, agreements, and training. Additionally, 62 percent of the respondents indicating criminals use the reservation were tribal, and 78 percent of them were in a county with a TLU. This indicates an area for improvement on the public safety side (see Figure 26).

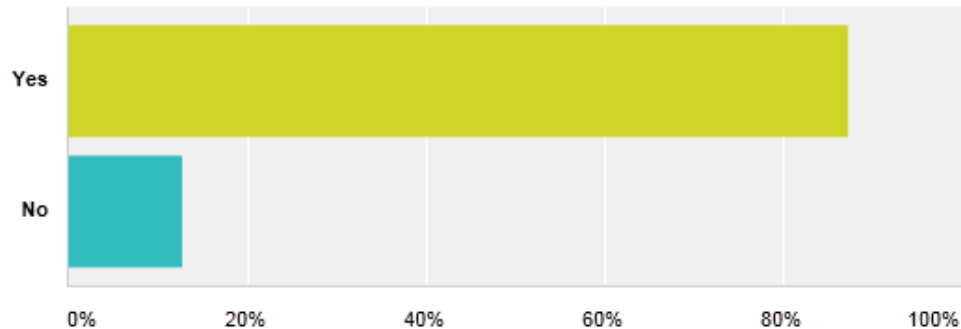


Figure 26. Do criminals utilize the reservation to evade police?

## 26. Question 26

“In your opinion, do criminals utilize the reservation to conduct criminal activity; Yes/No.” Question 26 was asked as extension to question 25 to determine whether the stakeholders think the reservation is being utilized to conduct criminal activity. Due to the location of some of the reservations and the fact that they are isolated with minimal

public safety, the author believes that criminals target reservations for criminal activity. The results indicate that 88.89 percent of respondents think that the criminals use the reservation to conduct criminal activity, and 11.11 percent think that they do not. The response was not surprising, and indicates the need for improved relationships, agreements, and training. Additionally, 62 percent of respondents were tribal, and the majority came from a county having identified that they have a TLU (see Figure 27).

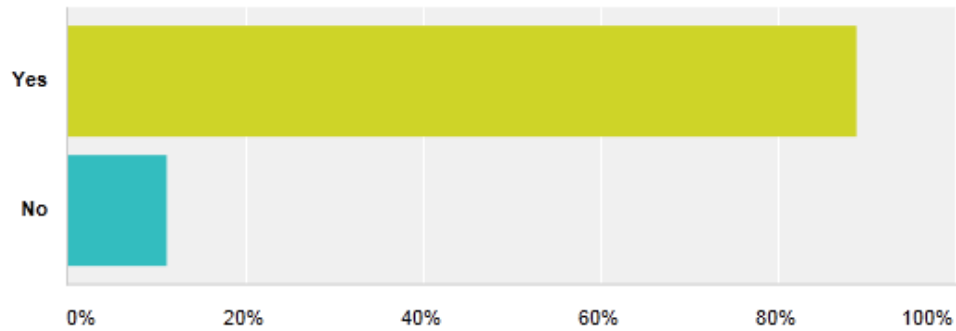


Figure 27. Do criminals utilize the reservation to conduct criminal activity?

## 27. Question 27

“In your opinion, is law enforcement being proactive with crime on the reservation; Yes/No.” Question 27 was asked to determine whether or not the stakeholders think law enforcement is being proactive with crime on the reservations: are they conducting community-oriented policing, and addressing concerns as they arise. The author expected the respondents to answer “no” based on questions 25 and 26; however the results indicate differently. Additionally, 49.21 percent of respondents think that they are being proactive, and 50.79 percent think that they are not. The response was very surprising being that stakeholders believe the reservations are being used for evasion and criminal activity. Of the respondents who answered no, 68 percent of them were law enforcement, and 23 percent of them are in a county without a TLU or are unsure if they have a TLU (see Figure 28).

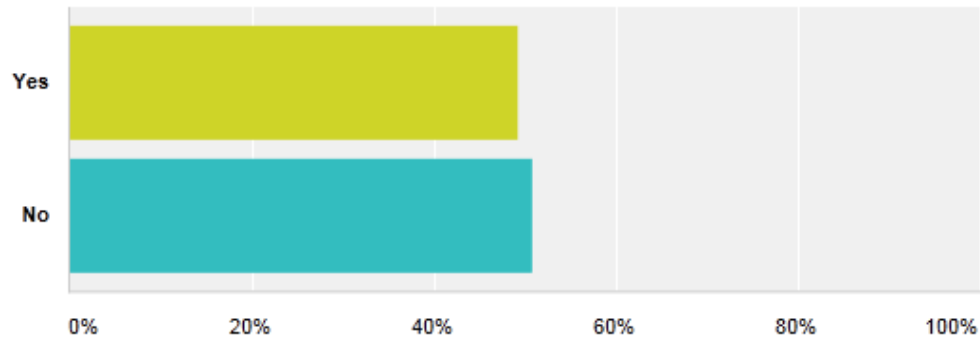


Figure 28. Is law enforcement being proactive with crime on the reservation?

## 28. Question 28

“Is cultural sensitivity training provided to jurisdictions working on the reservation; Yes/No/Unknown.” Question 28 was asked to determine whether the stakeholders are giving or receiving cultural sensitivity training. The expectation was that the majority would say no. The results indicate that 62.50 percent of respondents said yes, 20.31 percent said no, and 17.19 percent do not know. The response was surprising, and the author would like to determine if PL 280 training is being considered cultural sensitivity training on the law enforcement side. Additionally, 82 percent of law enforcement responded with a yes, and of those, 100 percent of them are in a county with a TLU. Ninety-five percent of those indicate that they have good relationships (see Figure 29).

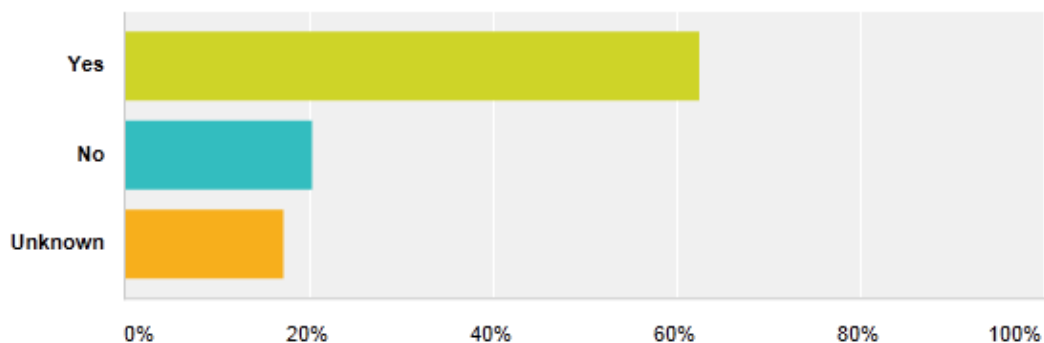


Figure 29. Is cultural sensitivity training provided to jurisdictions working on the reservations?

## 29. Question 29

“In your opinion, do the local police officers exhibit familiarity with and respect for Tribal traditions and practices; Yes/No. Please explain.” This question was a multiple choice with an essay question allowing respondents to give specific examples. Question 29 was designed to ascertain specific examples from respondents taking the survey as to how law enforcement is or isn’t exhibiting familiarity and respect for traditions and practices. This question in particular, was meant to elicit the stakeholders’ view of what is occurring on the reservations. The expectation was that the responses would be mixed, and that the county with the liaison unit would have more yes responses. Of those questioned, 61.29 percent of respondents said yes, and 38.71 percent said no. Eighty percent of the respondents who said yes were law enforcement, and of those, 84 percent have a TLU. Some of the comments included:

They are very unaware of simple things like a medicine bag or sweat lodge. Without understanding the sacredness of traditions and practices there is not way for them to show respect.

Only the officers that are paid for by the Tribe<sup>133</sup> seem to understand, the other officers seem to not understand how to deal with tribal members sometimes they just seem hostile.

Not interested in learning about tribal traditions and practices.

I think it is important to understand the culture as to not disrespect Tribal Council, elders, and any other members of the crime because of lack of knowledge. It is equally important to share information about the practices of law enforcement to educate the tribal community so judgments aren’t formed on both sides. It is important to understand that there are artifacts, areas, and practices that are sacred to the Tribal community and an officer not understanding those concepts could lead to hostility. If an officer does not understand something, he or she needs to seek out someone within the Tribal community who could assist them in educating them on questionable items.

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<sup>133</sup> It is important to note that few tribes pay for public safety services to enhance response on the reservation. Although this is not a typical arrangement, it can have a large impact on the implementation of PL 280 and the relationships between tribes and state/local police.

Figure 30 shows a “word cloud”<sup>134</sup> representing the responses to Question 29. Forty-four respondents entered a response. The answers pertain directly to their experience and personal views. The words most frequently appearing are: tribal traditions, training, understand, tribal members, and law enforcement (see Figure 30).



Figure 30. Word Cloud showing the words most frequently used in response to question 29

### 30. Question 30

“Is there training available in your county for Public Law 83-280; Yes/No/Unknown.” Question 30 was asked to determine whether the stakeholders have PL 280 training available to them. The expectation was that the response would be mixed, as one of the counties has a training being taught regularly and included in the academy. The results indicate that 71 percent of respondents said yes, 8.1 percent said no, and 21 percent do not know. The majority of the no and unknown responses came from Tribal respondents indicating a need for education in the tribal community as to what is available. Of the respondents who stated yes, 61 percent of them indicated they have a TLU (see Figure 31).

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<sup>134</sup> Word cloud: A visual depiction of user generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

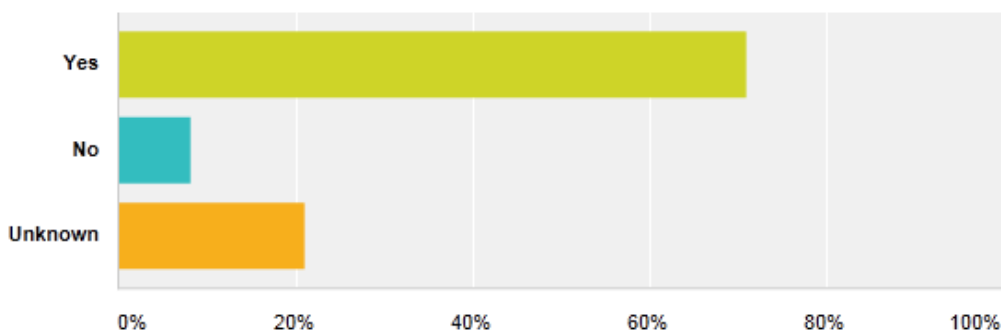


Figure 31. Is there training available in your county for PL 280?

Although Question 30 showed 71 percent survey participants said training for Public Law 83-280 is available in their county. Correlating data with responses to Questions 14, 16, and 23 is concerning.

Question 14: *“In your opinion, do state and/or local law enforcement understand what Public Law 83-280 authorized?”*

Question 16: *“In your experience, what is the familiarity or awareness of law enforcement with Public Law 83-280?”*

Question 23: *“Does concurrent state and Tribal jurisdiction exist?”*

Survey responses to question 14 revealed 57.6 percent believe state/local law enforcement do not understand PL 280’s scope of authority. Responses to question 16 show 56.5 percent believe law enforcement’s familiarity or awareness of PL 280 is “low.” Only 8.1 percent thought law enforcement officers have a “high” familiarity or awareness of PL 280. The most concerning was the 36.5 percent of survey participants did not have knowledge of concurrent state and tribal jurisdiction. Training on PL 280 should cover this topic and it should be clearly understood by all working in Indian country. A lack of foundational training on tribal sovereignty and concurrent jurisdictions is essential for accurately applying PL 280 on tribal lands.

### 31. Question 31

“Should Public Law 83-280 training be mandatory; Yes/No.” Question 31 was asked to determine whether the stakeholders think that PL 280 training should be mandatory. The expectation was that the majority would say yes as this is a much needed training for areas that are impacted by the law. The results indicate that 88.7 percent of respondents said yes and 11.3 percent said no. Of the 11 percent who said no, 71 percent of the respondents were law enforcement (see Figure 32).

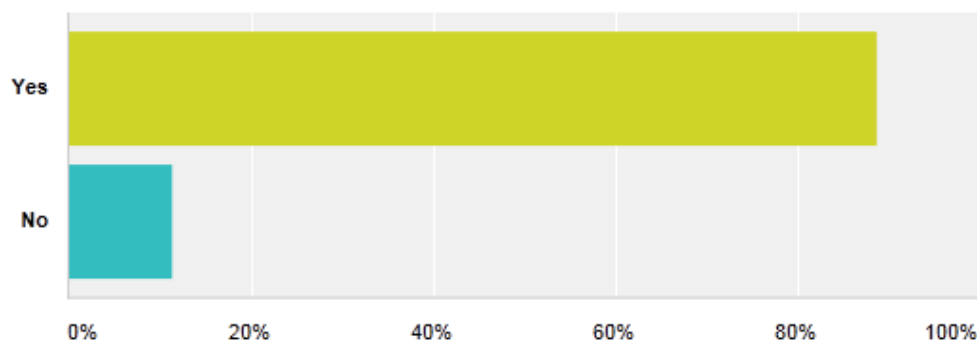


Figure 32. Should PL 280 training be mandatory?

### 32. Question 32

“Is more education needed on Public Law 83-280 for public sector; Yes/No.” Question 32 was asked as an addition to questions 30 and 31 to gain a better understanding of specific areas that need to be targeted for training. The results indicate that 88.5 percent of respondents said more education is needed for the public sector and 11.5 percent said no. The response was not surprising as this is a law with great impacts to all stakeholders and the details should be common knowledge. Of the 11.5 percent that said no, 71 percent of the respondents were law enforcement (see Figure 33).



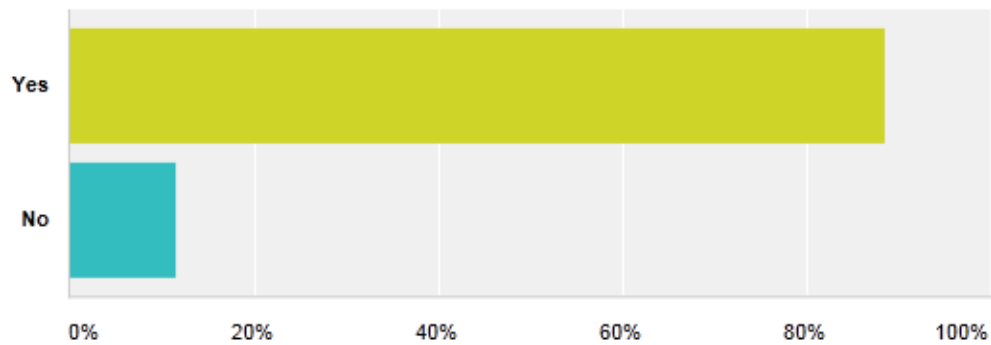


Figure 33. Is more education needed on PL 280 for the public sector?

### 33. Question 33

“Is more education needed on Public Law 83-280 for tribal sector; Yes/No.” Question 33 was asked as an addition to Questions 31, 32, and 33, to determine if specific areas need to be targeted for training. The results indicate that 91.8 percent of respondents said yes and 8.2 percent said no. The response was not surprising, and indicates that there is a necessity for increased training. Of the 91.8 percent who said yes, 65.45 percent of them were law enforcement (see Figure 34).

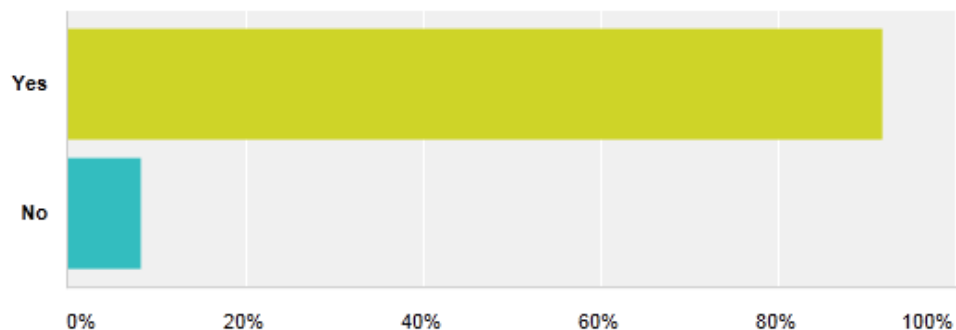


Figure 34. Is more education needed on PL 280 for the tribal sector?

Responses to Questions 31, 32, and 33 are consistent with the identified need of training. This is additionally seen through responses to Question 36 “*Is there something specific you would like to see to improve Public Law 83-280?*” Of the 35 responses, 19 expressed, in one way or another, the need for training and education on PL 280.

### 34. Question 34

“Does the Tribe train or conduct exercises with local jurisdictions; Yes/No.” Question 34 was asked to determine the existing relationships and was an addition to Questions 4, 6, 7, and 8. The expectation was that the majority would say no. The results were better than expected and indicate that 54.8 percent of respondents are training and 45.2 percent are not (see Figure 35).

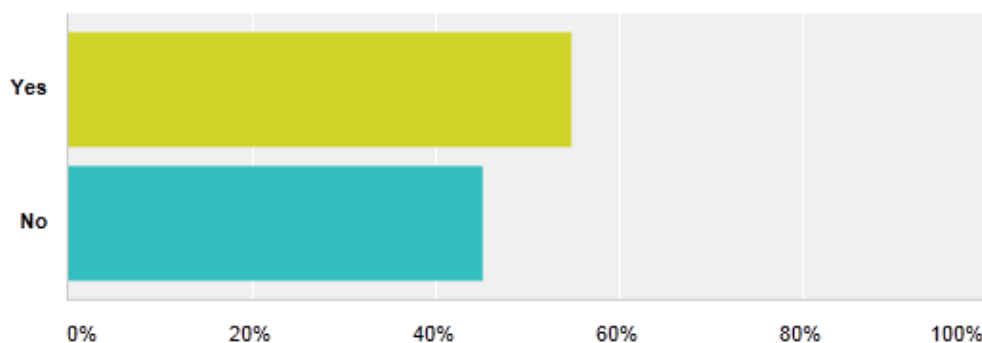


Figure 35. Does the tribe train or conduct exercises with local jurisdictions?

### 35. Question 35

“If joint training/exercises occur, with which discipline: Law Enforcement, Fire, EMS, Emergency Management, Not Applicable.” Question 35 was asked to determine which disciplines are conducting joint training. The results indicate that law enforcement and fire are equally participating with emergency management not far behind and EMS on the bottom. Although the numbers look considerably low for EMS, the fact is that there were 50 percent less respondents in this discipline so actually they are comparable from that perspective (see Figure 36).






<b>Law Enforcement</b>		<b>45.5%</b>
Fire		40.0%
EMS		18.2%
Emergency Management		38.2%
Not Applicable		29.1%

Figure 36. Which disciplines are joint trainings occurring with?

### 36. Question 36

“Is there something specific you would like to see to improve Public Law 83-280?” This question was an essay question allowing respondents to give specific suggestions for areas of improvement. Question 36 was designed to ascertain specific examples from respondents taking the survey. Some of the responses included:

Mandatory training in the state for all police officers and cultural awareness courses specific to the tribes in the county.

Better information dissemination and awareness training.

Training and education should be provided to law enforcement agencies. The state of California needs to?? recognize in their laws tribal agents charged with law enforcement duties and treat them the same as any peace officer.

It is an unfunded mandate that needs to have some federal funding help.

The time and need for PL 280 has passed. Indian tribes must be allowed to govern their sovereign nations.

More training for law enforcement, that includes tribal members to cultivate better relationships.

I would like to see updates and additional awareness classes, and cultural diversity for both the tribes and law enforcement. We need to foster a better working relationship with each other.

Tribal leaders and members need to be educated on the law to understand law enforcement authority on tribal lands.

The responses indicate dissatisfaction with the law and how it is being applied. Of the 35 responses, 19 expressed, in one way or another, the need for training and education on PL 280.

Figure 37 shows a “word cloud”<sup>135</sup> representing the responses to question 36. Thirty-five respondents entered a response. The answers pertain directly to their personal views. The words most frequently appearing are: training, law enforcement, tribal, and federal, in that order (see Figure 37).

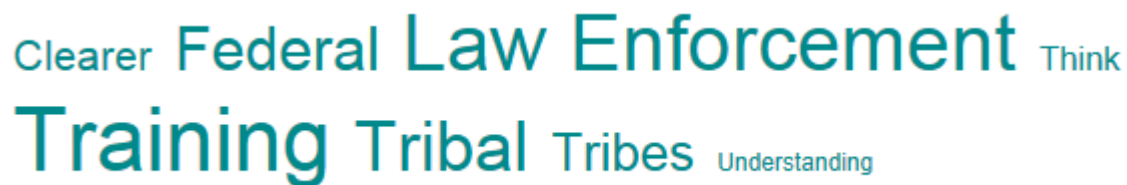


Figure 37. Word Cloud showing most frequently used words in responses to question 36

### 37. Question 37

“What steps could be taken to bring about awareness, knowledge and implementation of Public Law 83-280?” This question was an essay question allowing respondents to give specific suggestions for change. Question 37 was designed to ascertain specific examples from respondents taking the survey. This section was designed to hear what the stakeholders have to say and what their view is; whether it is good, how it is, or how it needs some changes. Some of the responses included:

Education in law enforcement academy’s so current and prospective officers can have a heads up before they are official. Education at sheriff’s station with officers that have been on the beat who are somewhat stubborn about accepting their role and responsibilities under 280.

Training, consultation, and implementation policy.

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<sup>135</sup> Word cloud: A visual depiction of user generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

PL 83-280 training should be mandatory for all agencies that work in and around tribal lands. PL 83-280 training should also be provided to all tribal agents like Police/Security and Fire.

More training, making the understanding of the law simple, and making sure everyone is on the same page so there are no misunderstandings.

Continued open communications with tribal personnel and regularly scheduled meetings with Tribal law enforcement.

Mandated training.

Develop community-oriented programs with input from Tribal community.

Contact AGS office to make local sheriff or police get training on how to work with tribes!

Figure 38 shows a “word cloud”<sup>136</sup> representing responses to question 37. Thirty-five respondents entered a response. The answers pertain directly to their personal views. The words most frequently appearing are: law enforcement, education, police, and meetings, in that order (see Figure 38).



Figure 38. Word cloud showing most frequently used words in response to question 37

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<sup>136</sup> Word cloud: A visual depiction of user generated terms, which are represented by increasing font size in relation to the frequency of the use of the term by different respondents (SurveyMonkey).

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## VIII. QUALITATIVE DATA ANALYSIS: CODED THEMES

In general, several themes emerged. Respondents recognize that the law is in place, and have a basic understanding of what the law means. Respondents acknowledge that the relationships have improved, but that there are still areas lacking, and identifying what is working well in some areas can be beneficial. Respondents would like to see more streamlined processes, or a best-practice model provided to all stakeholders. Figure 39 provides the breakdown of the themes using the four actions framework<sup>137</sup> and is based on the survey. It identifies the following items that could be eliminated, reduced, raised, or created.

<b><u>Eliminate</u></b>  Ineffective Policing Inconsistencies of Response Hierarchical Relationships	<b><u>Raise</u></b>  Training Cultural Awareness Cooperation Levels Partnerships/Relationships
<b><u>Reduce</u></b>  Preconceptions Misunderstandings Lack of Communication Old Values Lack of Knowledge Confusion of Law	<b><u>Create</u></b>  Cultural Training Best Practice Model SOP MOU/MAA Community Outreach Mandatory Training Multi-Discipline Approach Cross Deputization Funding options

Figure 39. Emerging Themes using Four Actions Framework

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<sup>137</sup> W. Chan Kim, and Renee Mauborgne, Blue Ocean Strategy, How To Create Uncontested Market Space And Make The Competition Irrelevant, 5th ed., (Boston, Mass.: Harvard Business Review Press, 2005), 29.

Eliminate ineffective policing, and the inconsistencies that encompass PL 280. Ineffective policing means a lack of policy, procedures, and best practices for the jurisdictions and Tribes to follow. What has been seen across the state alone is that the law is interpreted and enforced differently depending on what agency the Tribe is interacting with. Creating a best practice model would allow assurance that enforcement and implementation is consistent. Having a best practice model creates an expectation of what is being adhered to and ultimately builds trust, encourages partnerships, and fosters relationships between all parties. Adherence to old values and hierarchical relationships has been an overwhelming hurdle to collaboration and building relationships.

Raise awareness of the problems the Tribes face and the holes that exist in the current framework. In order to do this and be successful we must create willingness and desire to participate and collaborate on both sides (local jurisdictions and the Tribes). Create a best practice model that meets the standards across the nation. Ensure that the Tribes are maintaining status quo by implementing policies and procedures (SOP), mutual aid agreements, and memorandums of understanding with the local jurisdictions to promote collaboration and partnerships.

Create a standard for training. Training is not as simple as it seems. Training is a requirement across the nation for public safety divisions but it is not occurring at all as it relates to PL 280. When a police officer or firefighter is asked what PL 280 is there should be a response that reflects a minimal understanding at the very least. At this time, the response is PL what? Training is the biggest factor to reducing and eliminating ineffectiveness and raising collaboration and partnerships. Police officers are required to take POST trainings<sup>138</sup> and “qualify” on a regular basis. California POST has created a PL 280 training video, but it is not part of the mandatory curriculum. PL 280 training should be part of the mandatory curriculum and should include a test to ensure comprehension of the aspects of the law and the implications it has for their duties. The training should be mandated to all officers within the PL 280 states who will be employed in an agency with authority over Indian Country. In order to ensure true

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138 “Training Commission on POST,” <http://www.post.ca.gov/training.aspx>.



knowledge, a refresher course and test should be implemented annually. The training does two things—creates a knowledge base and promotes relationships and collaboration.

Based on the survey results, collaborations and partnerships need to be a priority. The stakeholders share a responsibility to collaborate and build their relationship. Fostering relationships opens new opportunities and builds a framework for setting attainable goals that benefit all disciplines involved. Promoting good relationships with leadership ensures that the relationships are encouraged and incorporated with local and regional planning. This data gives an opportunity, which suggests new approaches for everyone, and discourages the old adage of just checking the box and adding a seat to a table for the Tribes.

## **A. SUMMARY**

This chapter outlined the general themes that emerged from the survey. The author identified them using the four actions framework and expanded on the main themes. In Chapter IX, the author creates a best practice model based on survey results and historical practices. Creating a best practices model,<sup>139</sup> enables all the parties to come forward with some sort of expectation of how things should work and then build from there. As it stands there is not an expectation, just a misunderstood mandate. Sovereignty is the tribes right to operate on a government-to-government basis, and the new Stafford act language respects that relationship during a disaster declaration.

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<sup>139</sup> It is important to note that in March 2013, a document was released identifying successful practices in place across PL 280 states, “Promising Strategies: Public Law 280,” [http://www.walkingoncommonground.org/files/Promising %20Strategies %20280%20Final%203-13%281%29.pdf](http://www.walkingoncommonground.org/files/Promising%20Strategies%20280%20Final%203-13%281%29.pdf).

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## **IX. RECOMMENDATIONS**

### **A. CONCEPTUAL CHANGES**

When applying the Four Actions Framework<sup>140</sup> to PL 280, what the stakeholders perhaps take for granted is the idea that the law is in place and has been for many years, with little option for improvement or change. All too often, negative history gets in the way of implementing change for the better. This issue has been looked at numerous times but from a legal perspective, rather than a pragmatic perspective. The law is the law..... and for the time being nothing is going to change that, so for purposes of making change deeper, consideration needs to be given on how the law is or is not working, and what we can do to improve the system within the confines of the law. Given that there has been minimal data to date that identifies the stakeholder's opinions, how the law is working, what exists, and ideas for solutions, creating a best practice model was not an option. Based on the survey data, options for implementation can be considered. For the purposes of this thesis, three options have been considered.

First, Indian Country can maintain the status quo and not make any changes. This would continue to darken the already muddy waters and create greater disconnection between the Tribes and the public safety departments. A long-term goal for legislation is to re-think the process for retrocession. If a Tribe has their own public safety departments and the means to govern their own lands, retrocession should be an attainable goal. This needs to be considered on an individual basis. Each tribe is unique and each needs to determine what works best for them. For a tribe that is located in a rural area, or a tribe that has a checkerboard reservation, retroceding jurisdiction to the feds would only worsen response times and criminal activity. Public Law 280 could be a benefit for this type of reservation, and the next step is to retain funding for the jurisdictions assuming jurisdiction. If the states are given a lump sum of money to care for their cities, why are the tribes excluded from that equation?

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140 W. Chan Kim, and Renee Mauborgne, *Blue Ocean Strategy, How To Create Uncontested Market Space And Make The Competition Irrelevant*, 5th ed., (Boston, Mass.: Harvard Business Review Press, 2005), 29.

A second option is to wait for legislative changes and consultation with the tribes, which is currently underway through the Indian Law and Order Commission, established under the Tribal Law and Order Act of 2010. Although this is in process, it could take multiple years to see changes and there are no guarantees at the outcome.

A third option is to break the process into much smaller attainable goals. Rather than looking at this law on a national level, start with one state to create a best practice model. California is a good place to start. It is home to 110 Indian reservations and has very distinct differences among the reservations. Utilizing one of the PL 280 states to walk through the process and learn the lessons reduces a larger unwarranted amount of frustration later when implementing in the other states. Based on the data, it is clear that the Tribal Liaison Unit in Riverside County<sup>141</sup> has been successful in lessening the tensions, increasing partnerships, improving incident coordination, training all officers and some tribes, and breaking down barriers.

Creating a best practice model would allow Tribal staff and public safety to improve performance, comprehend the law through education and training, and partner with each other to build capabilities and response throughout the state. Increasing partnerships, establishing agreements, and working together will significantly decrease ineffective policing, preconceptions, misunderstandings, and poor communication.

## **B. COURSES OF ACTION**

Although PL 280 has been in place for over 50 years, this survey reveals that both tribal and non-tribal representatives identify that a foundational understanding of PL 280 is lacking. It is the author's recommendation that a statewide model of best practices and procedures be developed and implemented. As the author has already identified, the Riverside County Sheriff's Department, Tribal Liaison Unit, has a successful model in place. With this said, the author clearly recognizes the fact that each Indian tribe and public safety agency have their individual priorities and goals and a one-size-fits-all model will never work. However, a model of best practices, along with the involvement

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<sup>141</sup> "Riverside County Tribal Alliance," The Superior Court of California, County of Riverside. <http://www.riverside.courts.ca.gov/juvenile/tribalalliance.shtml>.

of tribal and non-tribal stakeholders, is long overdue. Through collaborative efforts between tribal and non-tribal public safety representatives, PL 280 can be leveraged for the benefit of tribal communities and quality of life issues can be addressed.

PL 280 serves as the jurisdictional authority for state public safety agencies' involvement on tribal lands. State jurisdiction did not divest the tribes of their concurrent jurisdiction. Additionally, there remains concurrent federal jurisdiction in specific areas regarding Indian country. The nature of these overlapping jurisdictions necessitates an even greater need for collaboration between tribal, state and federal entities.

### C. BEST PRACTICE MODEL

A best practice model should be planned for implementation over a 5-year period (see Figure 40).

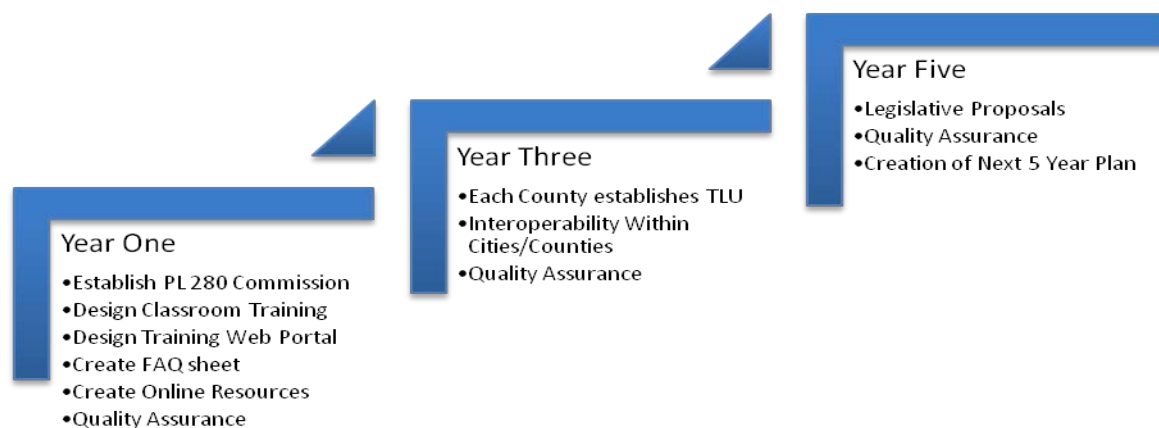


Figure 40. Five-year best practice model for change

The author proposes that a statewide *Public Law 280 Commission* be established in California. It is strongly recommended that the commission include tribal and non-tribal public safety representatives and stakeholders, appointed by the Governor of California, to work under the auspices of the California Attorney General's Office, Office of Native American Affairs. The responsibility of the *Public Law 280 Commission* would be to develop a model of best practices and procedures for PL 280 jurisdictions.

Structure of the *Public Law 280 Commission*:

- Tribal and non-tribal public safety Representatives / Stakeholders
- Statement of purpose – To present a body of practices deemed to be most effective and efficient for handling the implementation of PL 280. The practices are designed to complement the law and give stakeholders an on-going avenue for collaboration. The model will present best practices from the building of partnerships to measuring progress. It will also suggest practices to further education and training within the jurisdiction, county, and state. The model presents protocols for identifying a steering committee and quality assurance.

The *Public Law 280 Commission* would focus on the following:

- Training – The state of California has 110 federally-recognized Tribes<sup>142</sup> and is home to one of the largest American Indian populations. It is critical that a training module be put in place as a mandatory part of a law enforcement officers training plan. The training needs to be included as part of the academy and certified by POST for all officers who will be employed in an agency with authority over Indian Country. Mandatory training creates an accountability factor for law enforcement personnel. In order to have accountability for policy makers and support roles and emergency responders the training would also need to be added to the NIMS requirements, and as well for fire to the academy as well as the California State Fire Marshal requirements.
  - The training will include the history of the law, an explanation of sovereignty, a breakdown of the limitations of the law, tribal community relations, cultural sensitivity, and community policing. The majority of Tribal officers are not crossed-deputized, but training for cross-deputization, or peace officer status, would be beneficial. Because of PL 280, it would be the local law enforcement agency to enforce the criminal prohibitory statutes on the reservation.
  - An online curriculum should be created and hosted on the AG's website. The online forum would include important documents, advanced training, FAQ sheets, and a test your knowledge section.
- Partnerships and collaboration / Tribal Liaison Units – A TLU should be established at all Sheriff Departments and a minimum of a Tribal Liaison position should be established at police departments. The unit would be responsible for establishing partnerships and collaborating with the tribes. They would also be responsible for hosting and/or conducting training on a semiannual basis. The TLU is also responsible for the day to day communication, incident coordination assistance, and community

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142 "California Indian History," <http://www.nahc.ca.gov/calfindian.html>.

policing. The unit members will be comprised of sworn and non-sworn personnel and are not expected to conduct arrests; their sole purpose is to ensure that the collaboration and partnerships are being built. The purpose of this is to ensure that they are advocating and speaking on behalf of the tribes and law enforcement.

- Collaborating and building partnerships is crucial. Disasters do not know boundaries, and criminals utilize the reservations to hide, evade, and perform criminal activity. Forming relationships outside of those factors increases the type of response and cooperation each agency receives long term. This relationship is crucial in changing the attitudes and stigmas that surround crime in Indian Country. The Tribes are an asset and can bring manpower to the scene of an incident; leveraging that relationship benefits the whole community.
- Interoperability / Intercommunication - After 9/11, came the enforcement of interoperability and P25 compliant radios, but the Tribes were left out of this in PL 280 states. Since the local agency has the primary jurisdiction, there is not a plan in place for inclusion of the Tribes. A handful of Tribes have overcome this obstacle because they have their own fire or police departments, and were able to comply with the P25 requirements. For the Tribes who do not have full force law enforcement or fire agencies, they are left to operate under unified command at the scene of an incident but lack any ability to communicate with the agencies involved. This should be addressed by having the agency assuming jurisdiction to supply the Tribe with radios for this purpose and to assist them in creating a communications plan.
- Legislative proposals – Changes to legislation would be directed by the *Public Law 280 Commission*.
- PL 280 Definition/clarity and FAQ sheet – A copy of the law itself needs to be included and available in an online forum. An assumption cannot be made that stakeholders know the law and its parameters. An online forum should include a detailed list of resources such as books, articles, and hearings at Congress (items that would further provide information on the law itself).
- Part of the problem with the existing implementation is the lack of understanding and confusion surrounding the law itself. Creating a FAQ sheet on PL 280 would give a basic description of what the law actually is. This would define what criminal and/or civil assumption means, and answers the very basic questions regarding jurisdiction.
- Quality Assurance – Measuring progress is essential to the success of this law and long term effectiveness; as well as implementation in other PL 280 states. Progress needs to be measured in the primary areas of concern and needs to be considered and analyzed at a minimum every 3 years.

Measuring progress enables improvement and shows the community that change is being made. The primary areas of concern are:

- Collaborations/partnerships
- Familiarity/knowledge
- Compliance with the law
- Law enforcement effectiveness/impacts
- Cultural competence
- Training/education

Quality Assurance is crucial in the final outcome of the project and implementation long term. Guidelines for monitoring activity and assuring quality implementation are:

- **Regular updates.** Review progress on a quarterly basis, depending on the level of activity and time frame of the policy.
- **Challenge underlying assumptions.** While monitoring progress, continue to examine its underlying assumptions, the continued validity of its goals and objectives and the influence of unanticipated events.
- **Stay committed.** Every action must have a due date. You cannot let the due date slip away. This tells the stakeholders that you aren't giving up on the objectives and are serious about putting them into effect.
- **Conduct short-term strategy reviews.** Schedule team “huddles” every 90 days to keep the goals and objectives reviewed, reloaded and re-energized. These huddles also allow you to distinguish those individuals who are getting things done and those who aren't (the “empty seats”). Alternatively, you can schedule 6-month strategy reviews. These are an opportunity to take another look at the original plan, determine whether strategic objectives are being met, and agree new action steps as necessary.
- **Expand skills.** Expand skills through training, recruitment or acquisition to include new competencies required by the policy.
- **Set milestones.** Go beyond monitoring: build into the commission milestones that must be achieved within a specific time frame.

#### **D. NEXT STEPS**

Although this thesis defines a process for implementing a best practice model, there are a few things the thesis does not address: political debate, things that research does not solve or prove, and the next legislative steps. All of these would be beneficial



for future research in the area of PL 280. There are plenty of research priorities for PL 280, but only one specifically that the author believes would be very beneficial. Using the existing survey to query all the mandatory states, and then compare whether changes occur between states or at a much smaller scale between regions, would be a step in the right direction towards much needed data. All too often, the political climate determines whether a topic is investigated and how the relationships unfold. PL 280 is not different, and will need further investigation.

## **E. CONCLUSION**














The road to get to the ultimate prize is windy with a lot of uphill battles in front of the stakeholders. The Tribes have suffered many setbacks and endured unspeakable actions, which have only improved their ability to survive. This process of creating a best practice model is a step in the right direction for improvement in the response on Indian Reservations.




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## APPENDIX A. THE SURVEY

Following is the initial survey that was provided to the respondents.




### Anonymous California Public Law 83-280 Survey SurveyMonkey

1. Please indicate your affiliation (May choose more than one):			
		Response Percent	Response Count
Tribal Government		18.8%	15
Public Sector		3.8%	3
Tribal Elected Official		3.8%	3
State or Local Elected Official		0.0%	0
<b>Law Enforcement</b>		<b>60.0%</b>	<b>48</b>
Tribal		12.5%	10
Public		2.5%	2
Fire		15.0%	12
<input type="checkbox"/> Tribal		8.8%	7
<input type="checkbox"/> Public		2.5%	2
EMS		5.0%	4
<input type="checkbox"/> Tribal		5.0%	4
<input type="checkbox"/> Public		0.0%	0
<b>Emergency Manager</b>		11.3%	9
<input type="checkbox"/> Tribal		11.3%	9
<input type="checkbox"/> Public		0.0%	0
answered question			80
skipped question			1




2. Does your County Sheriff department have a Tribal Liaison Unit?			
		Response Percent	Response Count
Yes		76.3%	61
No		12.5%	10
Unknown		11.3%	9
answered question			80
skipped question			1

3. If you represent the Tribal sector does the tribe have their own:			
		Response Percent	Response Count
Fire Department		31.1%	23
Police Department		17.6%	13
EMS Department		16.2%	12
Emergency Management Department		23.0%	17
None of the Above		16.2%	12
Not Tribal Sector		37.8%	28
answered question			74
skipped question			7



**4. In your jurisdiction, what is the relationship between the local law enforcement agency and the Tribe?**




		Response Percent	Response Count
Good		95.9%	70
Bad		1.4%	1
Non-Existent		2.7%	2
answered question			73
skipped question			8



**5. Does the Tribe communicate with the District Attorney's Office and state courts?**


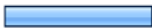

		Response Percent	Response Count
Yes		51.4%	38
No		13.5%	10
Unknown		35.1%	26
answered question			74
skipped question			7




**6. Does the Tribe have a working relationship with the local PD?**




		Response Percent	Response Count
Yes		94.6%	70
No		5.4%	4
answered question			74
skipped question			7

7. Does the Tribe get invited to operational area meetings within the county?			
		Response Percent	Response Count
Yes		53.4%	39
No		15.1%	11
Unknown		31.5%	23
answered question			73
skipped question			8



8. Does the Tribe operate under unified command on joint incidents?			
		Response Percent	Response Count
Yes		58.1%	43
No		41.9%	31
answered question			74
skipped question			7



9. Is there an assigned tribal liaison at the local jurisdiction (Not County but local Police)?			
		Response Percent	Response Count
Yes		48.6%	36
No		31.1%	23
Unknown		20.3%	15
answered question			74
skipped question			7




10. Is there a casino tribal liaison?			
		Response Percent	Response Count
Yes		56.9%	41
No		26.4%	19
Unknown		16.7%	12
answered question			72
skipped question			9

11. If there is a Tribal Liaison, do you know their mission and duties?			
		Response Percent	Response Count
Yes		47.9%	35
No		32.9%	24
Not Applicable		19.2%	14
answered question			73
skipped question			8

12. Please explain Public Law 83-280 in your own words?		Response Count
		54
answered question		54
skipped question		27




13. In your opinion, are the intentions of the law clearly stated?			
		Response Percent	Response Count
Yes		50.0%	32
No		50.0%	32
answered question			64
skipped question			17

14. In your opinion, do state and/or local law enforcement understand what Public Law 83-280 authorized?			
		Response Percent	Response Count
Yes		42.4%	28
No		57.6%	38
answered question			66
skipped question			15



15. Are there laws in your jurisdiction that apply to reservations only?			
		Response Percent	Response Count
Yes		32.3%	21
No		30.8%	20
Unknown		36.9%	24
answered question			65
skipped question			16






**16. In your experience, what is the familiarity or awareness of law enforcement with Public Law 83-280?**

		Response Percent	Response Count
Low		56.5%	35
Adequate		35.5%	22
High		8.1%	5
Can you give some examples?			34
answered question			62
skipped question			19




**17. In your jurisdiction, is Public Law 83-280 being complied with by law enforcement?**

		Response Percent	Response Count
Yes		90.5%	57
No		9.5%	6
answered question			63
skipped question			18




**18. Is there a process in place at the federal level to evaluate the effectiveness of Public Law 83-280?**

		Response Percent	Response Count
Yes		9.2%	6
No		24.6%	16
Unknown		66.2%	43
answered question			65
skipped question			16



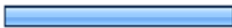
**19. Is there a process in place at the state level to evaluate the effectiveness of Public Law 83-280?**

		Response Percent	Response Count
Yes		7.7%	5
No		24.6%	16
Unknown		67.7%	44
answered question			65
skipped question			16



**20. To your knowledge, has the local jurisdiction refused to respond to the reservation for a call?**

		Response Percent	Response Count
Yes		23.1%	15
No		70.8%	46
Unknown		6.2%	4
If yes, can you provide the scenario?			11
answered question			65
skipped question			16



**21. Has Public Law 83-280 impacted reservations?**

		Response Percent	Response Count
Yes		46.9%	30
No		4.7%	3
Unknown		48.4%	31
If yes, how?			28
answered question			64
skipped question			17



**22. Does your agency receive any funding or reimbursement for services rendered under Public Law 83-280?**



		Response Percent	Response Count
Yes		22.2%	14
No		77.8%	49
answered question			63
skipped question			18



**23. Does concurrent state and Tribal jurisdiction exist?**



		Response Percent	Response Count
Yes		63.5%	40
No		36.5%	23
answered question			63
skipped question			18




**24. In your opinion, are response times satisfactory?**



		Response Percent	Response Count
Yes		62.9%	39
No		37.1%	23
answered question			62
skipped question			19




25. In your opinion, do criminals utilize the reservation in an attempt to evade police?			
		Response Percent	Response Count
Yes		87.3%	55
No		12.7%	8
answered question			63
skipped question			18



26. In your opinion, do criminals utilize the reservation to conduct criminal activity?			
		Response Percent	Response Count
Yes		88.9%	56
No		11.1%	7
answered question			63
skipped question			18



27. In your opinion, is law enforcement being proactive with crime on the reservation?			
		Response Percent	Response Count
Yes		49.2%	31
No		50.8%	32
answered question			63
skipped question			18



28. Is cultural sensitivity training provided to jurisdictions working on the reservation?			
		Response Percent	Response Count
Yes		62.5%	40
No		20.3%	13
Unknown		17.2%	11
answered question			64
skipped question			17



29. In your opinion, do the local police officers exhibit familiarity with and respect for Tribal traditions and practices? Please explain			
		Response Percent	Response Count
Yes		61.3%	38
No		38.7%	24
Please explain			44
answered question			62
skipped question			19






30. Is there training available in your county for Public Law 83-280?			
		Response Percent	Response Count
Yes		71.0%	44
No		8.1%	5
Unknown		21.0%	13
answered question			62
skipped question			19

31. Should Public Law 83-280 training be mandatory?			
		Response Percent	Response Count
Yes		88.7%	55
No		11.3%	7
answered question			62
skipped question			19

32. Is more education needed on Public Law 83-280 for public sector?			
		Response Percent	Response Count
Yes		88.5%	54
No		11.5%	7
answered question			61
skipped question			20

33. Is more education needed on Public Law 83-280 for tribal sector?			
		Response Percent	Response Count
Yes		91.8%	56
No		8.2%	5
answered question			61
skipped question			20

34. Does the Tribe train or conduct exercises with local jurisdictions?			
		Response Percent	Response Count
Yes		54.8%	34
No		45.2%	28
answered question			62
skipped question			19

35. If joint training/exercises occur, with which discipline?			
		Response Percent	Response Count
Law Enforcement		45.5%	25
Fire		40.0%	22
EMS		18.2%	10
Emergency Management		38.2%	21
Not Applicable		29.1%	16
answered question			55
skipped question			26

36. Is there something specific you would like to see to improve Public Law 83-280?		Response Count
		35
answered question		35
skipped question		46



**37. What steps could be taken to bring about awareness, knowledge and implementation of Public Law 83-280?**

Response Count	
35	
answered question	35
skipped question	46

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## APPENDIX B. WRITTEN RESPONSES TO QUESTION 12

Following are responses to survey question 12.

Page 4, Q12. Please explain Public Law 83-280 in your own words?		
1	Federal assignment of State jurisdiction over criminal matters that happen on our tribal lands	Jun 18, 2013 8:20 AM
2	PL 280 gave the state of CA jurisdiction over criminal and other legal issues pertaining to tribes, tribal people, and tribal lands.	Jun 17, 2013 5:01 PM
3	assumption of criminal jurisdiction on reservation lands in six states that were mandatory	Jun 17, 2013 11:27 AM
4	Law enforcement agencies authorized to provide law enforcement services to the reservation.	Jun 17, 2013 10:08 AM
5	The state of California has criminal and some civil jurisdiction on tribal lands	Jun 17, 2013 10:01 AM
6	transfer of legl authority from federal to state govt.	Jun 17, 2013 9:42 AM
7	Public Law 280 is the transfer of taking criminal action and prosecution at the state level instead of the federal level.	Jun 14, 2013 7:49 AM
8	The law is to provide a link between tribes and law enforcement	Jun 14, 2013 3:47 AM
9	Public Law 83-280 gives law enforcement officials jurisdiction over offenses by or against tribal members.	Jun 13, 2013 10:39 AM
10	the State and local public safety agencies are required to respond to our need for their services.	Jun 13, 2013 7:07 AM
11	Its a federal law that gives us the power to assume the jurisdiction over the reservation and its people.	Jun 13, 2013 2:30 AM
12	PL 280 was their feds way of shifting the policing of reservation off their backs and putting it on to local agencies. PL 280 was not brought to the Tribes but forced upon them. Not allowing them to manage the issues themselves, thus ignoring their sovereignty	Jun 12, 2013 5:17 PM
13	Where local law enforcement can investigate crimes involving tribal members on reservation lands and potentially make arrests.	Jun 12, 2013 4:53 PM
14	Coverage of Penal codes applying on reservation.	Jun 12, 2013 4:30 PM
15	Criminal enforcement on Reservations of all offenses by tribal and non-tribal members.	Jun 12, 2013 3:51 PM
16	Local Law Enforcement has the right to enter tribal lands for the purpose of enforcing the law. That is to say at any other time the agency must ask permission to enter tribal lands. Tribal lands are not part of an assigned patrol area unless asked by and approved by the tribal government.	Jun 12, 2013 3:23 PM
17	Having jurisdiction over criminal /civil matters on Indian land.	Jun 12, 2013 3:23 PM
18	The State of California has all legal law enforcement and judicial authority on indian owned lands.	Jun 12, 2013 3:07 PM
19	Congress gave six states (five states initially - California, Minnesota, Nebraska,	Jun 12, 2013 1:20 PM

**Page 4, Q12. Please explain Public Law 83-280 in your own words?**

	<p>Oregon, and Wisconsin; and then Alaska upon statehood) extensive criminal and civil jurisdiction over tribal lands within the affected states (the so-called "mandatory states"). Public Law 280 also permitted the other states to acquire jurisdiction at their option. Public Law 280 has generally brought about an increased role for state criminal justice systems in "Indian country" (a term which is specifically defined in federal statutes (1)), a virtual elimination of the special federal criminal justice role (and a consequent diminishment of the special relationship between Indian Nations and the federal government), numerous obstacles to individual Nations in their development of tribal criminal justice systems, and an increased and confusing state role in civil related matters. Consequently, Public Law 280 presents a series of important issues and concerns for Indian country crime victims and for those involved in assisting these crime victims.</p>	
20	Law enforcement handles criminal matters that occur on Tribal Lands. Civil issues are handled by the Tribal Police and Courts. County ordinances are not applicable on Tribal Lands.	Jun 12, 2013 12:09 PM
21	gives the state jurisdiction over the federal over tribal land	Jun 12, 2013 12:00 PM
22	assumption of jurisdiction	Jun 12, 2013 10:35 AM
23	The legal definition of the local, federal and state laws that may or may not be enforced by local law enforcement on Tribal Territory.	Jun 12, 2013 9:32 AM
24	Civil jurisdiction is with the tribe, criminal jurisdiction is concurrent with the county	Jun 11, 2013 4:35 PM
25	This transfers the authority for tribal matters from the federal government to the state government level.	Jun 11, 2013 4:31 PM
26	the state has jurisdiction of criminal offense which are felonies.	Jun 10, 2013 11:10 PM
27	State jurisdiction on Tribal land to enforce criminal matters that are not regulatory	Jun 10, 2013 3:02 PM
28	PL 280 shifted federal responsibility for law enforcement activities on Indian Reservations in some states to the state without providing funding for enforcement (unfunded mandate). The law does not strip any tribal government of any of its inherent rights of self-governance but simply established concurrent jurisdiction. It has turned into a mechanism for states that share boundaries with Indian Reservations (and its political subdivisions) to seek additional funding for staffing "tribal liaison positions."	Jun 8, 2013 6:09 AM
29	Sheriff's responsible for law enforcement	Jun 7, 2013 12:27 PM
30	Public Law 280 is a federal law that was enacted with good intent to provide law enforcement to Indian reservations. When PL 280 was enacted in the 1950's, most of the Indian reservation within the 6 mandatory PL280 states lacked any sort of criminal justice system in the US Government's eyes. Most of the reservations in the PL 280 states were smaller, remote, and isolated. PL 280 was the US Government's attempt to create law enforcement/criminal justice in Indian Country. PL 280 forced state law enforcement agencies to assume criminal jurisdiction on reservations and it forced Indian nations to share their criminal jurisdiction with state law enforcement.	Jun 7, 2013 11:24 AM

Page 4, Q12. Please explain Public Law 83-280 in your own words?		
31	How the Tribes govern themselves related to law enforcement.	Jun 7, 2013 10:18 AM
32	Transfer of jurisdiction from federal to the states.	Jun 7, 2013 9:02 AM
33	Local law enforcement enforce criminal laws, while tribal patrol handles regulatory and municipal.	Jun 7, 2013 8:21 AM
34	Protect sovereignty, enforce criminal law, develop working relationships through mutual respect.	Jun 6, 2013 9:13 PM
35	Statute allowing law enforcement to enforce state criminal laws on sovereign land.	Jun 6, 2013 9:07 PM
36	Allows local law enforcement to enforce State laws on tribal land	Jun 6, 2013 1:22 PM
37	Gives law enforcement responsibility for criminal violations on reservations to local authorities in California.	Jun 6, 2013 12:04 PM
38	No idea	Jun 6, 2013 9:01 AM
39	Certain Indian Tribes were given rights to govern their lands per their customs and beliefs, however, they must adhere to the criminal proceedings of the State and Federal governments as well.	Jun 5, 2013 9:51 AM
40	Local law enforcement involvement. Certain laws can be enforced. Must know the laws	Jun 4, 2013 10:03 AM
41	Mandates local law enforcement authority to enforce state laws within reservation boundaries.	Jun 4, 2013 9:50 AM
42	1953 Congress passed PL280 requiring six states to assume criminal jurisdiction and enforce criminally prohibitive laws.	Jun 4, 2013 9:21 AM
43	PL 280 provides that all law enforcement response and incidents are the jurisdiction of the State and assigned through area in which the tribes reservation resides whether it be county or local.	Jun 4, 2013 7:32 AM
44	in 1953 public law gave jurisdiction over criminal offenses involving Indians on Indian land to certain states and allowed other states to assume jurisdiction.	Jun 3, 2013 3:39 PM
45	Allows the enforcement of certain State laws, by local law enforcement agencies, on Tribal lands	Jun 3, 2013 11:47 AM
46	Addresses the independence and self-governing issues related to tribes.	Jun 3, 2013 9:50 AM
47	It is a federal Statute which was enacted, and gave 5 states- California, Nebraska, Wisconsin, Oregon, and Minnesota and later added Alaska, Criminal and Civil jurisdiction on the reservation	Jun 3, 2013 9:36 AM
48	County Sheriff has jurisdiction to enforce state crimes on tribal lands	Jun 3, 2013 9:35 AM
49	Local law enforcement is responsible for enforcing State law on the reservation.	Jun 3, 2013 9:21 AM
50	State Criminal Law applies on Reservation land.	Jun 3, 2013 9:05 AM

**Page 4, Q12. Please explain Public Law 83-280 in your own words?**

51	Unfunded Federal mandate that requires local safety services to be provided at no cost to tribal interests such as members, land and buildings.	Jun 3, 2013 8:44 AM
52	Local law enforcement (not Federal LE) has been given the responsibility to investigate and enforce criminal state law on tribal lands.	Jun 3, 2013 8:09 AM
53	A federal mandate in certain states, which places tribes under federal laws, enforced locally by local law enforcement. Some tribes operate under their own law enforcement; however, still fall under same laws. It is unclear to me if the reservations are subject to local ordinance, or codes.	Jun 3, 2013 8:09 AM
54	Under local sheriff, for criminal offenses	Jun 3, 2013 8:07 AM

## APPENDIX C. WRITTEN RESPONSES TO QUESTION16

Following are responses to survey question 16.

Page 4, Q16. In your experience, what is the familiarity or awareness of law enforcement with Public Law 83-280?		
1	On occasion sheriff have been called to the reservation and during the visit there is often confusion as to whether or not they have authority to handle whatever the situation is at the time.	Jun 18, 2013 8:20 AM
2	There is a general lack of understanding that PL 280 was developed during the Termination Era when there was a push in Congress to end the federal trust relationship and treaty status of tribes as sovereign nations. The law is a direct reflection of assimilationist policies that violate the inherent treaty rights of local tribal nations.	Jun 17, 2013 5:01 PM
3	they are unaware of what PL 280 is just in conversation, dont understand what that means to them, or the impacts it can have on the boot on the ground response	Jun 17, 2013 11:27 AM
4	Some law enforcement officers believe that they only have criminal jurisdiction and some officers believe they have full authority in criminal and civil matters. Under CFR 25 all law enforcement officers including US Border Patrol are require to bring a US Marshall when they enter tribal or a Indian Federal Reservation.	Jun 17, 2013 10:01 AM
5	popular conception is that the law will expose tribal members to state prosecution; that their status as a sovereign nation is at risk; that states will be more interfrerring that the federal govt.	Jun 17, 2013 9:42 AM
6	most local law enforcers think that they have no jurisdiction nor duty to serve the reservation.	Jun 13, 2013 7:07 AM
7	The local law agencies do not understand the overlapping laws when it comes to cases like Arson. The Tribes has local ordinances on this issue, the State Fire has laws on the books, and the local county sheriffs office.	Jun 12, 2013 5:17 PM
8	N/A	Jun 12, 2013 4:53 PM
9	Law enforcement will respond when called for crimes committed on the Reservation.	Jun 12, 2013 3:51 PM
10	Some local LEO's are not even aware that the reservation is there and what if any powers they have or restrictions that exist.....in other words they treat the reservation like any other part of their escor or ignore it all together.	Jun 12, 2013 3:23 PM
11	Most of my co-workers have heard of it, but still don't understand it. It needs to be put in basic, simple terminology.	Jun 12, 2013 3:23 PM
12	As a former BIA fire management officer, I routinely attended trust training, and involved with arson investigation and fire reporting on indian lands. This gave me a segway to law enforcement and criminal components on indian owned lands.	Jun 12, 2013 3:07 PM
13	San Diego County is giving law enforcement training on the PL 280 laws and how it effects law enforcement on Tribal Lands.	Jun 12, 2013 1:20 PM
14	Our Tribal Liaison Unit has conducted PL 83-280 training with all Department personnel. The training was mandatory and was attended by all Department personnel.	Jun 12, 2013 12:09 PM



Page 4, Q16. In your experience, what is the familiarity or awareness of law enforcement with Public Law 83-280?		
15	The Riverside Sheriff's Department is comprised of specific Sheriff's Stations, placed in geographical locations throughout the County of Riverside. Stations that provide local law enforcement to areas with Indian Reservations in their jurisdiction seem to have patrol deputies with a better working knowledge of PL-280 than those outside Tribal Territory.	Jun 12, 2013 9:32 AM
16	Our jurisdictions do not understand the concept of tribal trust lands and tribal fee lands, even when explained. Apparently we speak to leadership and it does not get appropriately passed down the food chain. For example, we have trust land and fee land next to each other, the PD is to respond to the fee land as it is out of county jurisdiction, but the PD officers insist it is county jurisdiction when being plainly told that it is not and why and have released clear felony cases on that belief.	Jun 11, 2013 4:35 PM
17	Tribal liaison unit has done an exemplary job in reaching out to the employees of the Sheriff's dept. to raise awareness and teach about PL280.	Jun 10, 2013 3:02 PM
18	The law is relatively simple and straightforward. Whether its time has passed and the states that lobbied congress for the legislation may have changed their stances in the past 60 years. For the line LE employee the concepts of implementation are simple the courts have different challenges in deciphering the law and Tribal Courts have additional challenges.	Jun 8, 2013 6:09 AM
19	Local law enforcement has the ability to respond to calls on reservation lands, in regards to criminal investigations and civil disputes. Many tribes do not have tribal police capacity or a tribal court system to prosecute offenders. Local jurisdictions like the County and court systems provide the needed resources to convict criminals who are tribal and non-tribal members.	Jun 7, 2013 2:23 PM
20	In Riverside County, the awareness level is very high, but that is the result of a great effort. The creation of Tribal Liaison Unit, Department mandated training, and including law enforcement in Indian Country information as part of the Department's promotional process are all ways in which the Riverside County Sheriff's Department has improved internal tribal awareness and improved Department/Tribal relationships. Across the rest of the state of California, the awareness level is low. While PL 280 is a federal mandate, there is no training provided to California law enforcement officers regarding PL 280, Tribal Sovereignty, concurrent jurisdiction, Indian Country, Tribal History or culture. Most California law enforcement officers have never heard of PL 280 after graduation from the California Commission on Police Standards and Training basic police academy, and no federal training is given to state/local officers regarding the federal mandate to provide service in Indian Country.	Jun 7, 2013 11:24 AM
21	Enforcing regulatory laws seems to be more of a gray area.	Jun 7, 2013 8:21 AM
22	Working partnerships have evolved with the inter-tribal court of So. California. Deputies regularly meet with tribal police/security to coordinate efforts to safeguard tribal members and visitors to Indian country.	Jun 6, 2013 9:13 PM
23	On-going training is provided	Jun 6, 2013 1:22 PM
24	Law Enforcement is aware of Public Law 83-280 but since not all departments deal with it regularly and staff is regularly promoted and/or transferred, there is a	Jun 6, 2013 12:04 PM



**Page 4, Q16. In your experience, what is the familiarity or awareness of law enforcement with Public Law 83-280?**

	need for constant training.	
25	Our Tribal Enforcement Team teaches Public Law 280 to all our employees.	Jun 5, 2013 9:51 AM
26	Outstanding training programs and relationships between local law enforcement and tribal leaders.	Jun 4, 2013 10:03 AM
27	The Riverside County Sheriff Thermal station has a tribal Liason officer and the county has an assigned Tribal Liason. Unit. They are very active in supporting and creating a positive environment between the tribe and law enforcement. The City of Indio has jurisdiction in two parking areas. Their response and efforts are inconsistent.	Jun 4, 2013 7:32 AM
28	The law enforcement agency I work for has Indian owned land in the jurisdiction, but very little issues with criminal violations that occur with Indians or on the land in question in my 24 years of employment for the agency.	Jun 3, 2013 3:39 PM
29	In general, state laws are being enforced, without infringing on Tribal sovereignty	Jun 3, 2013 11:47 AM
30	Within the San Diego County Sheriff's Department, jurisdictions with reservations such as Valley Center, Lemon Grove, Santee, Alpine, and our Rural areas all have reservations and most have casino's. Those locations are provided PL-280 courses. The entire department is invited to attend the class, but the emphasis is with those jurisdictions who work most closely with the tribes.	Jun 3, 2013 9:36 AM
31	Most State law enforcement on reservations is clear to the local deputies but there have been incidents where enforcement was unclear. The deputies have felt that if Tribal LE are writing a citation into Tribal court than it is double jeopardy for them to enforce by arrest or cite a similar State law. Tribal law enforcement often misunderstand deputies workloads and have on occasion interfered in a State case because they did not communicate or made assumptions about local enforcement efforts. Most issues are based on communication and/or lack of. Continuing effort needs to be made to enhance relationships and erase preconceptions and misunderstandings.	Jun 3, 2013 9:21 AM
32	Understand Criminal Law applies on Reservation land.	Jun 3, 2013 9:05 AM
33	Unknown, not LE.	Jun 3, 2013 8:44 AM
34	Tresspass, restraining orders, domestic violence	Jun 3, 2013 8:07 AM

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## APPENDIX D. WRITTEN RESPONSES TO QUESTION 20

Following are responses to survey question 20.

Page 5, Q20. To your knowledge, has the local jurisdiction refused to respond to the reservation for a call?		
1	This has not happened in my county (San Diego) in my recent memory, but this was widely known to have occurred in Soboba and Morongo (Riverside County).	Jun 17, 2013 5:02 PM
2	I have heard multiple times that the sheriff has refused to respond to reservation calls	Jun 17, 2013 11:27 AM
3	Gun shots being fired and the exact location is unknown.	Jun 17, 2013 10:09 AM
4	Animal control would not respond to recover a pregnant cow that was not the tribes or any of it members and was trespassing and was told that they have no jurisdiction on the reservation	Jun 17, 2013 10:03 AM
5	Slow or lack of response; called for crime involving tribal member against a tribal member when police were slow to respond; incident where crime committed by non-tribal member off-Reservation shooting at non-tribal members on-Reservation for official business. Law enforcement was late to respond, refused to take the statement of the on-Reservation victim,s, refused to write a report, refused to apprehend the perpetrator when identified by the victims.	Jun 12, 2013 3:54 PM
6	Not first hand knowledge but reports of unanswered calls at neighboring reservations.	Jun 12, 2013 3:24 PM
7	There has been a number of instances that PD was called and refused to respond even though they had jurisdictional responsibilities on fee lands under PL-280. Specifics are unavailable at this time...	Jun 11, 2013 4:41 PM
8	misdemeanor, infractions & violations type offenses	Jun 10, 2013 11:11 PM
9	These response denials are normally for regulatory prohibitory actions that the reporter may not understand and may be initiated by dispatch. 911 calls may be made for incidents that cannot be enforced by LE responsible for PL280 actions on the reservation (e.g. driving OHVs on roads, speeding, weapon carrying). For questions 18 and 19 above there is a process for evaluation of effectiveness of all legislation in federalism. I am unsure of	Jun 8, 2013 6:15 AM
10	There have been several instances when Indio PD and RSO have debated amongst themselves over what areas they have jurisdiction over. One call in particular was in the North lot which is Indio PD. CBMI public Safety had made contact with a reported stolen vehicle. The IPD officer arrived looked at the situation did not get out of his car and left the scene.	Jun 4, 2013 7:35 AM
11	They are not nice!	Jun 3, 2013 1:48 PM

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## APPENDIX E WRITTEN RESPONSES TO QUESTION 21

Following are responses to survey question 21.

Page 6, Q21. Has Public Law 83-280 impacted reservations?		
1	Because local sheriff have not been briefed/informed of 280 there is offer confusion which can lead to touch situation in an already frustrating situation.	Jun 18, 2013 8:23 AM
2	Limiting tribal right to enforce own laws and ordinances.	Jun 17, 2013 5:03 PM
3	sovereignty impacted	Jun 17, 2013 11:27 AM
4	some confusion as to the role of law enforcement and the relationship with the reservation.	Jun 17, 2013 10:11 AM
5	No Court	Jun 17, 2013 10:04 AM
6	It has raised controversy.	Jun 17, 2013 9:44 AM
7	I believe Tribal members realize they will be held responsible for crimes committed on the reservation.	Jun 14, 2013 7:52 AM
8	PL 280 made gray areas and effected tribal sovernty by not allowing them to handle it themselves.	Jun 12, 2013 5:20 PM
9	Given that California is made up of legislative tribes and not treaty tribes, and that PL--280 has always been law, it is hard to know if any impacts exist	Jun 12, 2013 3:10 PM
10	It alleviates the Tribal Police in our area from handling complex criminal investigations. Our Department has many more resources available for a successful conclusion to criminal investigations	Jun 12, 2013 12:11 PM
11	Reservations seem to have taken a more active roll in properly policing their communities.	Jun 12, 2013 9:34 AM
12	it has forced tribes to become dependant on law enforcement to do their job and follow the law and when they don't, it gives the criminals the idea that they can flee to the reservations because no one will anything to them out there.	Jun 11, 2013 4:43 PM
13	The issue over soverinty and state law. The understanding of what is enforceable on reservations	Jun 10, 2013 3:04 PM
14	The reservation cannot be impacted but the tribal governance and tribal members have in the variance of pursuit of justice by the courts in crimes against Indians alleged against non-indians. Tribal courts need the ability to prosecute any crime committed on the reservation.	Jun 8, 2013 6:22 AM
15	Knowing that there is a law enforcement response provides a sense of safety to tribal communities	Jun 7, 2013 2:31 PM
16	It has created a system where a community of a differnt culture has been force to be served by a "foreign" law enforcement jurisdiction. State law enforcement officers have been force to serve an Indian Nation, without being taught the limits of the law, the cultural and hisotric differences of a tribal community, and the distinct difference between an Indian reservation and the rest of the state.	Jun 7, 2013 11:29 AM
17	It has strengthened relationships while revealing to tribal governments they need to be not just self governing, but also self regulating.	Jun 6, 2013 9:16 PM

Page 6, Q21. Has Public Law 83-280 impacted reservations?		
18	Positive and negative feelings by tribe members	Jun 6, 2013 9:09 PM
19	Alot of tribal members are unfamiler with PL280	Jun 4, 2013 9:30 AM
20	Many responding officers do not have any cultural sensitivity.	Jun 4, 2013 7:37 AM
21	Created a perception of local law enforcement over-stepping thier authority	Jun 3, 2013 11:48 AM
22	They must deal with local law enforcement	Jun 3, 2013 9:51 AM
23	I believe it has impacted the reservations in that local police are responsible for the criminal and civil jurisdiction.	Jun 3, 2013 9:42 AM
24	Allows for minimal level of law enforcement services on tribal lands	Jun 3, 2013 9:36 AM
25	Allowed some Law Enforcement on Reservation land	Jun 3, 2013 9:34 AM
26	By enforcement by local LE versus Tribal.	Jun 3, 2013 9:22 AM
27	Provides them with more responsive police presence and immediate enforcement.	Jun 3, 2013 8:11 AM
28	tribes need to protect its people and land!	Jun 3, 2013 8:09 AM

## APPENDIX F. WRITTEN RESPONSES TO QUESTION 29

Following are responses to survey question 29.

Page 7, Q29. In your opinion, do the local police officers exhibit familiarity with and respect for Tribal traditions and practices? Please explain		
1	It's only been within the last 3 or 4 years that we have had a tribal liaison and since he has come on board he has made a valiant effort to educate local law enforcement about our ways, limitations, history of how we are the way we are today. This attempt to educate has been trying I'm sure because for many more years the local law enforcement folks have operated without this information and have trouble accepting it.	Jun 18, 2013 8:27 AM
2	No, this usually occurs after years of interaction and engagement with tribes gained through on the job experience.	Jun 17, 2013 5:03 PM
3	they are very unaware of simple things like a medicine bag or sweat lodge. without understanding the sacredness of traditions and practices there is no way for them to show respect.	Jun 17, 2013 11:27 AM
4	Yes some times. However we have had incidents where respect for employees and or tribal members were not provided. We mostly have interaction with the Sheriff Office rather than local police.	Jun 17, 2013 10:14 AM
5	we have our own Police department.	Jun 17, 2013 9:45 AM
6	In my dealings with Tribal members, our department continually does the best we can, while still keeping officer safety in mind, to take in consideration tribal traditions and practices, especially when it involves deaths on the reservations.	Jun 14, 2013 7:53 AM
7	Specific Tribal traditions have not been explained.	Jun 13, 2013 10:42 AM
8	they are not trained nor made aware of the culturally sensitive issues and we are not doing enough to teach our members that sovereignty is not immunity.	Jun 13, 2013 7:09 AM
9	Only the officers that are paid for by the Tribe seem to understand, the other officers seem to not understand how to deal with Tribal members sometimes they just seem hostile as scenes.	Jun 12, 2013 5:22 PM
10	We have been briefed on the sensitivity towards tribal lands and to use the upmost respect towards tribal members and their needs when incidences are being investigated.	Jun 12, 2013 4:55 PM
11	Just aware and give them space.	Jun 12, 2013 4:35 PM
12	not interested in learning about tribal traditions and practices.	Jun 12, 2013 3:55 PM
13	no real evidence exists pro or con.	Jun 12, 2013 3:26 PM
14	I have not seen a respect for tribal traditions. But I have seen law enforcement respect to individuals that have had law enforcement contact. Any law enforcement contact on indian lands under PL-280 is no different than a response or call to any other part of that county.	Jun 12, 2013 3:14 PM
15	Law Enforcement Agencies are currently being trained on Cultural Sensitivity and the respect for tribal Traditions and practices. Most Law Enforcement are unaware, and that is why this training was place in effect to Law Enforcement Agencies.	Jun 12, 2013 1:22 PM

**Page 7, Q29. In your opinion, do the local police officers exhibit familiarity with and respect for Tribal traditions and practices? Please explain**

16	The PL 83-280 training our Department provides touches on Tribal traditions, practices and history. Therefore, our deputies are familiar with these issues and are aware of their importance.	Jun 12, 2013 12:12 PM
17	yes we have classes	Jun 12, 2013 12:02 PM
18	I am unaware of any local law enforcement either interacting with or interfering with anything related to Tribal traditions and practices.	Jun 12, 2013 9:36 AM
19	They do not notify anyone when they come on the reservation, are very matter of fact, and don't understand that they are also on Federal land. They don't even acknowledge the fact that they are on reservation. Respect would be shown to at least contact someone when they are coming on property. Recently they did a chase with 20 officers, police cars, plane circling and no one in our jurisdiction was even contacted.	Jun 11, 2013 4:50 PM
20	overall lacking of understanding of customs and traditions	Jun 10, 2013 11:13 PM
21	I think it is important to understand the culture as to not disrespect Tribal council, elders, and any other members of the crime because of lack of knowledge. It is equally important to share information about the practices of law enforcement to educate the tribal community so judgments aren't formed on both sides. It is important to understand that there are artifacts, areas, and practices that are sacred to the Tribal community and an officer not understanding those concepts could lead to hostility. If an officer does not understand something, he or she needs to seek out someone within the Tribal community who could assist them in educating them on questionable items.	Jun 10, 2013 3:09 PM
22	Most LE that respond to the reservation are known by many members or get to know them as they continue to work the area. Tribal law is our conduit to assist both those members seeking LE services and those providing them.	Jun 8, 2013 6:24 AM
23	Our local law enforcement tribal liaison unit meets with Tribal Leadership and discusses cultural sensitivity issues.	Jun 7, 2013 2:41 PM
24	Understanding Tribal customs and practices is a fairly new concept in my agency. We have become more culturally aware and sensitive regarding Tribal traditions over the past five years. Prior to that, there was very little understanding of Tribal ways.	Jun 7, 2013 11:31 AM
25	I'm not sure how local police would ever come into contact with tribal members with respect to Tribal traditions.	Jun 7, 2013 9:10 AM
26	Officers attend training to better familiarize themselves with Tribal traditions and practices.	Jun 7, 2013 8:25 AM
27	Regular training and conferences where we discuss issues impacting Indian country and adjacent jurisdictions.	Jun 6, 2013 9:17 PM
28	We have tribal liaisons working with tribes.	Jun 6, 2013 9:10 PM
29	Training in this area is provided on an on-going basis	Jun 6, 2013 1:24 PM



**Page 7, Q29. In your opinion, do the local police officers exhibit familiarity with and respect for Tribal traditions and practices? Please explain**

30	I am unable to give a specific example or respecting a Tribal tradition. However, I have not heard of a single empirical experience or complaint where Tribal traditions were ignored or not respected.	Jun 6, 2013 12:20 PM
31	They dont know enough about this.	Jun 6, 2013 9:03 AM
32	We are trained to be professional at all times, however it is not often reciprocated.	Jun 5, 2013 9:54 AM
33	Again...great relationship in San Diego through respect and training	Jun 4, 2013 10:05 AM
34	Our Deputies are given blocks of instruction on the subject	Jun 4, 2013 9:31 AM
35	I don't believe they have a full understanding of the tribe and its culture. While the tribal Liason unit strives and works towards creating that environment the majority of RSO and Indio PD do not care to know.	Jun 4, 2013 7:39 AM
36	to answer this question with yes or no like many of the other questions is hard since unknown would be more appropriate.	Jun 3, 2013 3:42 PM
37	They are not nice!	Jun 3, 2013 1:49 PM
38	Extensive training has been provided, and we receive few, if any, complaints	Jun 3, 2013 11:49 AM
39	We have SOP when dealing with reservation issues.	Jun 3, 2013 9:52 AM
40	Our Department respects the tribal traditions and culture. I believe going through the PL-280 class and getting information on the law really enhanced and built stronger relationships with the tribal leadership.	Jun 3, 2013 9:45 AM
41	Recently conducted 8 hour training class for deputies assigned to areas with reservations.	Jun 3, 2013 9:38 AM
42	I would actually answer this as sometimes. As a local officer I and my deputies make every attempt to understand Tribal tradition and practices. We are often accused by Tribal of being insensitive or worse. This is a perception which is not true. We are understaffed and have an overwhelming workload which encompasses much more than the reservations we are responsible for. Deputies make every effort and are often unfairly characterized by Tribal who base much of their perception on past incidents which no longer exist. I would appreciate more open mindedness on the part of the Tribal and reservation personnel. We are making every attempt to respect and be sensitive to Tribal traditions and continually find ourselves having to explain and fight the same misperceptions which make our jobs and the ongoing relationship difficult.	Jun 3, 2013 9:27 AM
43	In my Jurisdiction the Tribe is proactive in cultural training. As well the police and fire agencies have a good working relationship with the tribal government.	Jun 3, 2013 8:12 AM
44	We have a lot of new deputies in our area, need training working with tribes!	Jun 3, 2013 8:10 AM

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## APPENDIX G WRITTEN RESPONSES TO QUESTION 36

Following are responses to survey question 36.

Page 9, Q36. Is there something specific you would like to see to improve Public Law 83-280?		
1	Personally I would like to see 280 resended	Jun 18, 2013 8:30 AM
2	mandatory training in the state for all police officers and cultural awareness courses specific to the tribes in the county	Jun 17, 2013 11:27 AM
3	Create a clearer understanding of PL 280 from both perspectives.	Jun 17, 2013 10:16 AM
4	That the tribe be informed when entering the reservation and notice of deposition of event	Jun 17, 2013 10:08 AM
5	clarity.	Jun 17, 2013 9:47 AM
6	Nothing I can think of at this time.	Jun 14, 2013 7:57 AM
7	better information dissemination and awareness training.	Jun 13, 2013 7:10 AM
8	Would like to receive training on Pulic Law 280	Jun 13, 2013 2:33 AM
9	Training and education should be provided to law enforcement agencies. The state of California needs recognize in their laws Tribal agents charged with law enforcement duties and treat them the same as any peace officer	Jun 12, 2013 5:27 PM
10	Unknown	Jun 12, 2013 4:57 PM
11	-	Jun 12, 2013 4:35 PM
12	More training and making the understanding of the law simple.	Jun 12, 2013 3:28 PM
13	None	Jun 12, 2013 1:23 PM
14	No	Jun 12, 2013 12:14 PM
15	no	Jun 12, 2013 12:02 PM
16	No	Jun 12, 2013 9:39 AM
17	It is an unfunded mandate that needs to have some federal funding help.	Jun 11, 2013 5:34 PM
18	Verbiage needs to be less complicated.	Jun 11, 2013 4:33 PM
19	more education on both parts. Bring tribal and law enforcement together for more joint training programs.	Jun 10, 2013 3:11 PM
20	The time and need for PL 280 has passed. Indian tribes must be allowed to govern their sovereign nations.	Jun 8, 2013 6:31 AM
21	Training conducted involving case studies	Jun 7, 2013 2:43 PM
22	I would like a clearer definition of PL 280, and I would like to see less of a "gray area" point of view by the state. I think the federal government could step in a clearly explain what the intent of PL 280 is.	Jun 7, 2013 11:36 AM
23	Training.	Jun 7, 2013 8:26 AM

Page 9, Q36. Is there something specific you would like to see to improve Public Law 83-280?		
24	N/A	Jun 6, 2013 10:54 PM
25	Provide the training to tribal members as well as local government employees	Jun 6, 2013 9:20 PM
26	More education to tribal members in PL280	Jun 6, 2013 1:25 PM
27	None	Jun 6, 2013 12:29 PM
28	Very happy in our area	Jun 4, 2013 10:13 AM
29	more training	Jun 4, 2013 9:33 AM
30	More training for law enforcement that includes tribal members to cultivate better relationships.	Jun 4, 2013 7:41 AM
31	I would like to see updates and additional awareness classes, and cultural diversity for both the Tribes and Law Enforcement. We need to foster a better working relationship with each other.	Jun 3, 2013 9:50 AM
32	Tribal leaders and members need to be educated on the law to understand law enforcement authority on tribal lands.	Jun 3, 2013 9:43 AM
33	More Federal Interaction.	Jun 3, 2013 9:37 AM
34	I would like to know if the Uniform Fire Code is applicable on Tribal land/reservations.	Jun 3, 2013 8:16 AM
35	More training for law enforcement!!	Jun 3, 2013 8:12 AM

## APPENDIX H. WRITTEN RESPONSES TO QUESTION 37

Following are responses to survey question 37.

Page 9, Q37. What steps could be taken to bring about awareness, knowledge and implementation of Public Law 83-280?		
1	Education in law enforcement academies so current and prospective officers can have a heads up before they are official. Education at sheriff stations with officers that have been on the beat that are somewhat stubborn about accepting their roles and responsibilities under 280.	Jun 18, 2013 8:30 AM
2	training, consultation and an implementation policy	Jun 17, 2013 11:27 AM
3	Joint training and on going discussion.	Jun 17, 2013 10:16 AM
4	training and meetings	Jun 17, 2013 10:08 AM
5	bring those affected to the table. Tribes will invest if they can support.	Jun 17, 2013 9:47 AM
6	Inter-agency cooperation, training and education	Jun 16, 2013 9:24 AM
7	I believe training for both Law Enforcement and the Tribal governments would help to clear what exactly Public Law 280 allows local law enforcement to enforce and take actions against. Also I believe that Tribal governments need to be made aware that they can not want us to enforce laws based upon Public Law 280 when it is convenient for them and that it will be enforced consistently.	Jun 14, 2013 7:57 AM
8	Seminars and open lines of communication.	Jun 13, 2013 7:10 AM
9	Have instructors come to each police or county station and provide training.	Jun 13, 2013 2:33 AM
10	PL 83-280 training should be mandatory for all agencies that work in and around Tribal lands. PL 83-280 training should also be provided to all Tribal agents like Police/ Security and Fire.	Jun 12, 2013 5:27 PM
11	Unknown	Jun 12, 2013 4:57 PM
12	-	Jun 12, 2013 4:35 PM
13	More training and making the understanding of the law simple. And making sure everyone is on the same page so there are no misunderstandings.	Jun 12, 2013 3:28 PM
14	Training is being presented to law enforcement agencies	Jun 12, 2013 1:23 PM
15	Continued training to ensure new deputies get the information needed to conduct themselves professionally and within the law.	Jun 12, 2013 12:14 PM
16	more classes	Jun 12, 2013 12:02 PM
17	Continued open communications with Tribal personnel and regularly scheduled meetings with Tribal law enforcement.	Jun 12, 2013 9:39 AM
18	mandated training	Jun 11, 2013 5:34 PM
19	develop community oriented programs with input from the Tribal community	Jun 10, 2013 3:11 PM
20	There are plenty of resources available to learn about PL280. Simply throwing out a reference to a law may often add mystery to it or make it seem more than it is at the operational level.	Jun 8, 2013 6:31 AM

**Page 9, Q37. What steps could be taken to bring about awareness, knowledge and implementation of Public Law 83-280?**

21	More outreach by both local law enforcement and tribal government on Public Law 83-280	Jun 7, 2013 2:43 PM
22	Continued training for state law enforcement, tribal communities, and tribal leaders. If all three groups shared the same understanding of PL 280 and had clear communication with each other, then relationships and levels of law enforcement service on Indian Reservations would improve.	Jun 7, 2013 11:36 AM
23	Training.	Jun 7, 2013 8:26 AM
24	Training classes.	Jun 6, 2013 10:54 PM
25	Part of public school curriculum.	Jun 6, 2013 9:20 PM
26	Education	Jun 6, 2013 1:25 PM
27	More education on Public Law 83-280 for law enforcement, Tribal officials and members of the public on and off the reservation. Possibly conduct these trainings in a #public forum with all entities represented, and not rely on internal training where all interests may not be equally represented.	Jun 6, 2013 12:29 PM
28	Relationships between tribal leaders and law enforcement for training	Jun 4, 2013 10:13 AM
29	training with leo and tribal memebers	Jun 4, 2013 9:33 AM
30	As indicated training opportunities.	Jun 4, 2013 7:41 AM
31	Additional courses with the law. Getting all stakeholders involved. Some meetings end up for the most part good, but I believe there is a huge trust issue on both the Law Enforcement Deputies and the people who live on the reservations. I am not talking about the Law Enforcement Leadership and the Tribal Leaders, but the boots on the ground deputies and the people who live on the reservations.	Jun 3, 2013 9:50 AM
32	Tribal leaders must acknowledge law enforcement authority, and refrain from "picking and choosing" laws/incidents they are "politically-willing" to support enforcement on.	Jun 3, 2013 9:43 AM
33	More Training and Conferences.	Jun 3, 2013 9:37 AM
34	The federal government could do a better job at integrating PL280 into other training. One general class would be a good addition to POST training; however, training across the board in Law and Fire needs to incorporate the specific application of PL280 and how it applies to codes and ordinances.	Jun 3, 2013 8:16 AM
35	Contact ags office to make local sheriff or police get trainig, on how to work with tribes!	Jun 3, 2013 8:12 AM

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